1908-006 Chancery Causes: American Association Inc.] vs. William Gibson &
Lee Co. Folder 1 of 3

Crockett, Beaty, Rose, Robinson, McKuhan, Fugate, Miller,
Arnold, Evans, Bales, Cosby, Pridemore, Carming, Stidham,
Thompson, Morison, Richmond, Colson, Cormaney, Carmical,
Templin, Cadle, Epps, Bush, Ball, Lankford, Barnes,
Campbell, Johnson, Cross, Colson

CA-Contract Dispute
T-Property

- Deed

Oversize Box 1:
- 2 Plats
- 1 Deposition

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court,

for Lee County, Virginia.

Your Orator, the American Association Incorporated, a corporation organized and existing under the laws of the State of Kentucky, and doing business in the State of Virginia, humbly complaining respectfully showeth unto the Court, that it is the owner and in possession of all the iron ore and minerals and certain rights and privileges appurtenant thereto in, on and under a certain tract of land lying in Lee County, Virginia, bounded as follows: Beginning at two white oaks and a pine on a spur of the mountain in Fields line and the northwest corner of the Greer 596 acre tract; thence with the Fields line South 58 West 630 poles to two small pines where formerly stood a black oak and dogwood in said Fields line; thence South 20 West 80 poles to a stake where formerly stood a white oak, black oak and dogwood in line of the John G. Newlee Cumberland Gap tract, being the Jones 1155 acre grant; thence with said Jones 1155 acre grant North 88 East 222 poles to a stake where formerly stood a pine; thence continuing with said Jones 1155 acre grant North 60 East 350 poles to a stake at the southwest corner of the Greer 596 acre tract; thence with said Greer tract North 5 West 218 poles to the beginning.

Your Orator further showeth that said land is covered by the following deeds and title papers, under which your Orator claims title to said iron ore, minerals and the rights and privileges appurtenant thereto, which said deeds and title papers are as follows:

A patent dated on the day of 18 from the Commonwealth of Virginia to one Martin Beaty, for a certain tract of land lying in Lee County, Virginia, for 500 acres more or less, ~~and being the same land as above described~~, and said patent covering the above described tract of land. A certified copy of said patent is herewith filed marked Exhibit 1, and reference is hereby made to said patent for a more particular description of said land; that by a title bond dated on the day of 18 , the said Martin Beaty sold and bound himself to convey the said tract of land to one Robert Crockett, which will fully appear by a certified copy of the record in a certain Chancery suit hereinafter referred to; that afterwards , by deed dated on the 25th day of November, 1857, the said Robert Crockett and Elizabeth Crockett, his wife, sold and conveyed to one Reuben Rose, all the iron ore on all lands belonging to said Robert Crockett in Lee County, Virginia, and also in Claiborne County, Tennessee together with certain mining rights and privileges for the mining of said ore and use of timber therefor as set forth in said deed, and said deed was duly recorded on the 8th day of May, 1860, in the Clerk's office of the County Court for Lee County, Virginia, in deed book 15, page 7, a copy of said deed is herewith filed marked Exhibit 2, and reference is hereby made to said copy to show more particularly the said iron ore and the mining rights and privileges therein conveyed; that at the date of this conveyance, the said Robert Crockett was the owner of the said tract of land herein first above described; that the said Reuben Rose died intestate on the day of leaving W.S.Rose, Elizabeth ~~Gibson,~~ Robinson, wife of Absolam Robinson, Lucinda McKuhan, Sallie Fugate, Anna Miller wife of Daniel G.Miller, Loretta Arnold, wife of Thomas D. Arnold, and George W. Rose, his heirs at law; that by a deed dated on the 9th day of December,

1865, all of the said heirs of the said Reuben Rose, except Thomas D. Arnold and wife, conveyed to the said George W. Rose all their interests in the said iron ore on the said tract of land, and all of the mining rights and privileges as conveyed by the deed of the said Robert Crockett and wife to the said Reuben Rose, and said deed was duly recorded on August 5th, 1887, in the said Clerk's office of the said Lee County Court, in deed book 22 page 409, and reference is hereby made to the copy of said deed herewith filed marked exhibit 3 for a more particular description of the said interests in the said iron ore and of the mining rights and privileges therein conveyed; That by deed dated the 31st of October, 1868, the said Thomas D. Arnold and Loretta Arnold his wife, conveyed to the said George W. Rose all their interests in the said iron ore on the said tract of land first above described, a copy of which said deed is herewith filed marked exhibit 4, and shows the interest of said Arnold and wife in said iron ore therein conveyed; That by deed dated on the 22nd day of May, 1888, the said George W Rose and Polly his wife, granted and conveyed to Alex. A. Arthur, Trustee, all of the iron ore of every kind and quality in and on the said tract of land first above described together with certain mining rights and privileges for the purpose of mining the said ore, and for the use of timber from said land, being the same as contained in the deed of the said Robert Crockett and wife to the said Reuben Rose, and said deed from said George W. Rose and wife to the said Arthur, Trustee, was duly recorded in the said County Clerk's office May the 31st, 1888, in deed book 28, page 249, a copy of which is herewith filed marked exhibit 5, and reference is hereby made to said copy for a more particular desxription of said iron ore and the said mining rights and privileges therein conveyed; That by deed dated November the 26th, 1888, the said Alexander A.

Arthur, Trustee, granted and conveyed to the American Association, Limited, a corporation, all of the iron ore and the mining rights and privileges as conveyed to him the said Arthur, Trustee, by the deed last aforesaid; said deed to the said Association was duly recorded in the said County Court Clerk's office March the 26th, 1895, a copy of which said last mentioned deed is herewith filed marked exhibit 6, and will show more particularly the rights and privileges and the iron ore as therein conveyed; That there was instituted on the 30th day of October, 1893, in the Circuit Court of the United States for the Western District of Virginia at Abingdon, a suit in Chancery by the Central Trust Company of New York, against the American Association, Limited, the object of which was to foreclose a mortgage or deed of trust on the properties of the said Association, and among which was included the said iron ore on the said tract of land first above described; And in said suit such proceedings were had, that by a decree therein rendered J. H. Bartlett was appointed Special Master, to convey said iron ore among other properties, to the American Association Incorporated, and that by a deed dated May the 14th, 1895, the said J. H. Bartlett, Special Master, conveyed to the said American Association Incorporated, all the said iron ore on the said first above described tract of land. Said deed was duly recorded May the 25th, 1895, in said County Court Clerk's office in deed book 31 page 388, a copy of which deed is herewith filed marked exhibit 7, and a copy of the proceedings in this suit will be filed herewith if made necessary.

Your Orator will now show to the Court that the said Robert Crockett died intestate on the day of 18 , leaving R. E. Crockett, Elizabeth J. Evans, wife of Newton A. Evans, Sarah A. Bales, wife of Jonathan Bales, A.J.Crockett, Harrison B. Crockett, and James M. Crockett, his heirs at law. That the said Martin Beaty

died intestate on the day of 18 leaving certain heirs, whose names and whereabouts are unknown to your Orator. That on the day of 18 , the said R. E. Crockett, Newton A. Evans, Elizabeth J. ~~Bales~~ Evans, Sarah Bales, A. J. Crockett, Harrison B. Crockett and James H. Crockett, as heirs at law of the said Robert Crockett, deceased, instituted in the County Court for Lee County, Virginia, a suit in Chancery against the unknown heirs of Martin Beaty, deceased, the object of which said suit was to obtain a legal title to the land in the bill mentioned, being the land covered by said Martin Beaty 500 acre grant, which was contracted by said Martin Beaty in his lifetime to the said Robert Crockett by the said title bond as aforesaid, and such proceedings were had in said suit that a decree was rendered therein appointing Peter C. Johnston a commissioner to convey the said tract of land to the said heirs of the said Robert Crockett, deceased, pursuant to the terms of the said title bond, which was filed in said suit, and marked exhibit A, and according to the description furnished by Exhibit C, filed with the bill in said suit, and that pursuant to said decree the said Peter C. Johnston commissioner, by deed dated June the 23rd, 1869, granted and conveyed pursuant to said decree and said title bond, the said tract of land to the said heirs of said Robert Crockett, deceased, setting out the same by metes and bounds. Said deed was recorded in said County Court Clerk's office June the 23rd, 1869, in deed book 15, page 708, a copy of which said deed is herewith filed marked exhibit A, and copy of such proceedings as can be found ~~mk~~ on record of said suit will be filed herewith if deemed necessary.

Your Orator is advised that the conveyance made in said suit by Peter C. Johnston, Commissioner, of the said Martin Beaty grant of land, emured to the benefit of Reuben Rose, the grantee of said Robert Crockett, for said ~~x~~ iron ore and mining rights and privileges on said

grant of land, or to the heirs or grantees of the said Reuben Rose.

Your Orator further alleges that the said Reuben Rose immediately after the deed was executed to him by the said Robert Crockett and wife for the said iron ore, took possession of said iron ore, and he (the said Reuben Rose) and those claiming under him, have continued in possession of the said iron ore, using it as their own ever since the date of the said deed.

Your Orator further alleges that the said heirs of the said Robert Crockett, deceased, soon after the date of the deed to them from the said Peter C. Johnston, Commissioner, to wit, on the day of 18 , made a voluntary partition between themselves of the said 500 Acre Martin Beaty grant of land, and in said partition recognized and confirmed the sale of the said iron ore on said x tract of land, which had been previously sold and conveyed to Reuben Rose, by their ancestor, Robert Crockett in his lifetime, and that they the said Crockett heirs, and the grantees of such as had conveyed, made deeds pursuant to said amicable partition between themselves, for the lots assigned to each of the said heirs in said partition, and that in said partition deeds, the said Crockett heirs and their grantees, recognized the conveyance of said iron ore by Robert Crockette to Reuben Rose.

Your Orator will now state to the Court, that while it was in the possession of said iron ore on the said tract of land, William Gibson, William Crosby, Chadwell Pridemore, ~~Vincen~~ Vincent Carriny, Katie Learing W.B.Stidham, Martin Thompson, Martha J. Gibson, William Morison, J.H.S.Morison, George P.Morison, and Minnie Richmond, without the knowledge or consent, and against the will of your orator, have entered upon different portions of said tract of land and are, and have been, mining and removing the iron ore therefrom and disposing of it,

alleging some kind of transfers or conveyances to them from the heirs of said Robert Crockett for certain portions of said tract of land, and claiming the iron ore under said alleged transfers or conveyances. That since the first of July, 1901, the said parties have mined and removed said iron ore as follows:

William Gibson,	~~149~~ 30 tons.
William Crosby,	~~30~~ 149 tons
G.P.Morison, James H.S.Morison, Dr. William Morison, and Minnie Richmond,	177 tons
W.B.Stidham,	663 tons.
Chadwell Pridemore, and Martin Thomason, jointly,	627 tons.

That the said parties have been selling said iron ore to said George P.Morison, and he has been selling it to the Virginia Iron, Coal & Coke Company, and the said parties have been receiving for said ore from the said George P. Morrison a royalty of ten cents per ton, which said royalties due the said parties for ore delivered since the 1st of July, 1901, is either in the hands of the said George P.Morison or has not been paid over to him by the said Virginia Iron, Coal & Coke Company. That since May the 1st, 1899, up to July the first, 1901, large quantities of the said iron ore have been mined and removed from said land by said parties, and others, and that without the knowledge and consent of your orator. Said G.P.Morison had a contract with your Orator to remove ore from certain of its lands in Claiborne County, Tennessee and in Lee County, Virginia, and under said contract the ore on the lands herein first mentioned was removed, your Orator believing that said Morison was accounting to it for all the ore that he was removing and shipping, and it is but recently that your Orator has learned that this was not the case, and that said Morison did not account to it for the ore taken from the lands in this bill mentioned, and but recently learned that said parties were claiming the iron ore on said land; and that the said parties are still mining

and removing said iron ore from said land.

Your Orator further states to the Court, that the said William Morison, J.H.S.Morison, George P.Morison, and Minnie Richmond, are non-residents of the State of Virginia, and are residents of the State of Tennessee. That the said William Crosby, Chadwell Pridemore, Vinson Carminy, W.B.Stidham, and Martin Thompson, are insolvent, and that by the mining and removing of the said iron ore by all of the said parties, they are committing irreparable damage and injury to your Orator. That W.G.Colson, C.M.Colson, and Thomas S. Gibson, are alleging some kind of conveyance to them for certain portions of the said Martin Beaty tract of land, and the iron ore thereon, from certain of the heirs of the said Robert Crockett, and are threatening your Orator with suits about the same, and interfering with your orator in the management and use of the said iron ore.

The object therefore of this bill is to quiet the title and possession of your orator to the said iron ore and said mining rights and privileges acquired by it as aforesaid, and to enjoin and inhibit all of the said parties from mining and removing and disposing of said iron ore from said tract of land. The prayer therefore of your Orator is, that the said William Gibson, William Crosby, Chadwell Pridemore, Vinson Carminy, W.B.Stidham, Martin Thompson, Martha J.Gibson, William Morison, J.H.S.Morison, George P.Morison, Minnie Richmond, W.G.Colson, C.M.Colson, and Thomas S.Gibson, be made parties defendant to this bill, and be required to answer the same, but not under oath, an answer under oath being herein expressly waived. That the possession and title of your Orator to the said iron ore mining rights and privileges on the said Martin Beaty 500 acre grant of land be quieted. That an injunction be granted your orator, enjoining and inhibiting said William Gibson, William Crosby, Chadwell Pridemore, Vinson Carmi-

ny, Kate Carming W.B.Stidham, Martin Thompson, Martha J. Gibson, William Morison, J.H.S.Morison, George P.Morison, and Minnie Richmond, and their agents and employees, from mining, removing and disposing of said iron ore from the said Martin Beaty tract of land; That the said George P.Morison be enjoined from paying over to any of said parties any of the royalties for said iron ore that may be in his hands, ~~and that the said Virginia Iron, Coal & Coke Company be enjoined from paying over to said George P.Morison any money which may be due him for said iron ore so mined and removed from said tract of land~~, until the future order of this Court; That an order of publication be made posted and published against the non-resident defendants, namely, William Morison, J.H.S.Morison, George P.Morison, and Minnie Richmond. And your Orator prays for all other, further and general relief as is agreeable to equity and is suitable to its case. May subpoena issue,&c. And your Orator will ever pray, &c.

B.H. Sussely,
P.Q.

(Over bring + page for affidavit to this bill)

Kentucky, Bell County, to-wit:

This day George W.Easton appeared before me, Henry Steele a Notary Public in and for said County and State aforesaid, and made oath that the matters in the foregoing bill stated of his own knowledge are true, and those stated upon information of others he believes to be true.

Given under my hand and seal of office this 22 day of August, 1901.

Henry Steele
Notary Public Bell County
Kentucky

An injunction is granted in accordance with the prayer of this bill, restraining the defendants, William Gibson, William Cosby, Chadwell Pridemore, Vincent Carminy, W. B. Stidham, Martin Thompson, Martha J. Gibson, William Morison, J. H. S. Morison George P. Morison and Minnie Rechmond, and their agents and employees, from mining, removing and disposing the iron ore from the Martin Beaty tract of land; and George P. Morison is enjoined from paying to any of the said defendants any of the royalties for said iron ore that may be in his hand until further order of this court.

But before this injunction shall take effect, the plaintiff or some one for it, shall enter into and acknowledge bond, with good security, before the clerk of Lee county circuit court in the penalty of of $300, conditioned as prescribed by law. Aug. 24, 1901.

H. A. W. Skeen
Judge of Lee county circuit court

To A. B. Munsey
clerk

American Association
Incorporated,

vs } Bill

William Gibson et al,

1901 2nd September rules
bill filed Spa Executed
and Decree Nisii
" 1st October rules D.N.
Confirmed and Cause
set for hearing.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

Your orator the American Association Incorporated, humbly complaining shows unto your honor that it heretofore, to-wit, at 2nd, September Rules, 1901, filed its original bill in chancery in your honor's said court for Lee County, against Wm. Gibson and others, having for its object to enjoin the mining and removal of iron ore from a certain tract of land in Lee County, containing 500 acres more or less, and particularly described in said bill and exhibits therewith, and to quiet the title of said tract of ore land; that various proceedings have been had and taken in said cause, which is still pending and has never been prosecuted to a final decree. Your orator refers to said cause and all the papers therein as a part of this bill as fully as if copied at length herein.

Since the filing of said original bill, and recently, your orator has learned certain facts which renders it necessary that it amend its original bill, and such is the object of this bill.

It states in its original bill that W. B. Stidham and William Cosby were claiming certain portions of said ore land, adversely to your orator, and it is true that said Stidham and Cosby were mining in their own name and shipping ore from said portions of said land, but your orator is now informed, believes and charges that the title to said portions of said ore land operated by said W. B. Stidham and William Cosby, and claimed adversely to your orator, is claimed to be in the wives of said Stidham and Cosby, one Flora Stidham and Mary Cosby, resepctively, and not in said W. B. Stidham and William Cosby. Your orator says that said Flora Stidham and Mary Cosby are insolvent, and that they and the other defendants herein were committing repeated trespasses on your orators iron ore.

Your orator will further state that since the filing of its original bill it has learned that it was mistaken as to

the claim of title to said land in one respect, and a further object of this amended bill is to state the facts in this respect. It states that the patent from the Commonwealth of Virginia for the 500 acre tract of land in controversy, was issued not to Martin Beaty, as your orator supposed when it filed its original bill, but to one Robert Beaty, a brother of said Martin Beaty. Your orator files a copy of this patent herewith as exhibit "1". Your orator alledges and charges that said Robert Beaty conveyed said tract of land to said Martin Beaty in the early part of the nineteenth century, but the deed therefor was never put to record, and is now lost or destroyed and cannot be found. It says, however, that prior to 1821 said Martin Beaty had executed a title bond for said land to Robert Crockett as is set out in the original bill, and said Robert Crockett had taken possession thereof, and as early as said year was mining the iron ore upon said land, and he and those claiming under him continued to mine said ore regularly and constantly until the breaking out of the Civil War in 1861 or 62, and continued to occupy, possess and enjoy the whole of said tract of land during all of said period, cultivating portions thereof, having same cleared and under fence, with dwelling houses on portions thereof occupied for dwellings continuously during all of said period, and that the possession of said Robert Crockett, and those claiming under him, was for this entire period open, notorious, continuous, adverse and exclusive, under color of title for the whole, and your orator is advised that under these circumstances it is immaterial whether the legal title can now be connected with Robert Beaty, the patentee, as a conveyance by him will in any event be presumed.

Your orator states that in 1854 or 55 said Robert Crockett sold the iron ore in, under and upon said tract of land to Rueben Rose, but did not convey the same until 1857, as is

shown by the deed filed with the original bill. It further states that Rueben Rose and those claiming under him, including your orator have since the said year of 1854 or 1855, held said iron ore and used, mined, occupied and enjoyed same, openly, adversely, continuously, notoriously and exclusively against the claim of all persons until the trespasses set forth in the original bill were committed by the defendants in this cause and the claim of title was made by them as is set forth in said original bill.

Your orator further states that with reference to the claim of title set up in this cause by W. G. Colson that it is true there is a deed of record in the Lee County Court Clerk's Office purporting to be a deed from one Robert Beaty to one William Woodson for this same tract of land dated September 22nd, 1837, which is filed as exhibit "Z" with said Colson's answer, but your orator believes and charges that the patentee Robert Beaty, hereinbefore mentioned, is not the same Robert Beaty who attempted to grant to William Woodson by the said deed. Your orator believes and charges that the patentee, Robert Beaty, was dead long prior to 1837, or certainly was not a resident of Lee County at that time.

But even if the patentee did convey to William Woodson your orator charges that no title passed, and it charges that neither William Woodson nor any one claiming under him ever attempted to set up any claim to said land or any part thereof under said deed until the said defendant Colson set up the claim now made in this cause. Said deed was never put to record by said Woodson in his life time, although he lived near by this land and in the County of Lee from about said year 1837 to about the year 1884, when he died. Said deed was put to record by said Colson in 1901, when the controversy now in issue in this cause was in contemplation.

Wherefore your orator prays that it be permitted to file this as its amended bill in said cause, and that William Gibson, Willaim Cosby, Mary Cosby, Chadwell Pridemore, Vincent Carminy, Kate Carminy, W. B. Stidham, Flora Stidham, Martin Thompson, Martha J. Gibson, William Morison, J. H. S. Morison, George P. Morison Minnie Richmond, W. G. Colson, C. M. Colson, and Thomas S. Gibson be made parties defendant hereto and be required to answer the same, but answer under oath is waived, and that the same relief prayed for in the original bill be granted to your orator, and for such other further and general relief as to equity may seem meet and the nature of its cause may require, and your orator will ever pray &c.

R. T. Irvine.
B. H. Scudday,
P. Q.

American Association Incorporated,

vs. } Amended
} Bill

William Gibson et al

Filed in open court
and by leave thereof
March 11th 1903.
A B Munsey Clk

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To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

The joint and several answer of William Morison, J.H.S.Morison, George P.Morison and Minnie Richmond, to a bill exhibited against them and others in this honorable Court by the American Association Incorporated, a corporation organized and existing under the laws of the state of Kentucky and doing business in Virginia.

These respondents saving the benefit of all such exceptions as can or may be had to said bill for its many errors of law and misstatement of fact, and relying and insisting on the demurrer this day filed by them and their co-defendants, for answer to said bill, or to so much thereof as they are advised it is material or necessary for them to answer, answering say:

That it is not true that the Complainant is the owner and in the possession of all the iron ore and minerals with certain rights and privileges appurtenant thereto in on and under that tract of land lying in Lee County Virginia and bounded as follows, to-wit, Beggining at two white-oaks and a pine on the spur of the mountain in Field's line and the northwest corner of the Greer 596 tract thence with the Fields' line S.58 W. 630 to two small pines where formerly stood a black oak and dog-wood in said Fields line, thence S.20 W. 80 poles to a stake where formerly stood a white-oak, black-oak and dog-wood in line of the John G.Newlee Cumberland Gap tract, being the Jones 1155 acre grant, thence with said Jones 1155 acre grant, N.88 E. 222 poles to a stake where formerly stood a pine, thence continuing with said Jones 1155 acre grant N.60 E.350 poles to a stake at the southwest corner of the Greer 596 acre tract, thence with said Greer tract N.5 W.318 poles to the beginning. Respondents emphatically deny that said complainants are the owner of the iron ore and other minerals on said tract of land or any part of it; they deny that said complainants are in the possession of said iron ore and other minerals or any part thereof and they deny that said complainants or any person under whom they claim ever at any time, unless it was old Robert Crockett, had possession of said minerals or any of them or any part thereof.

Respondents say that it is true that said land was granted by the Commonwealth of Virginia by patent to Martin Beaty but the date of said patent is unknown to them. As to the allegation that by a title bond dated on the ___ day of _____,18___, that the said Martin Beaty sold and bound himself to convey said tract of land to one Robert Crockett, they have no knowledge whatever, and they neither admit nor deny the same and they demand full,explicit and unequivocal proof of said allegation.

Respondents suppose it to be true that Robert Crockett and Elizabeth Crockett, his wife, executed on the 25th day of November, 1857 some kind of writing by which they sold to Reuben Rose all the iron ore on the lands belonging to the said Robert Crockett in Lee County,Virginia, together with certain mining privileges set out and specifically designated in said writing, but they deny that this writing has the force and effect of a deed of conveyance, and the utmost effect it has as these respondents are advised was to confer upon the said Reuben Rose, his heirs and assigns the right to take ore from sauch lands as said Robert Crocket then owned for the purpose of use in the iron works which the said Crockett had sold to the said Rose. Respondents are advised that said paper is not sufficiently definitely to operate as a deed of conveyance and that the same is void for uncertainty, buthowever this may be, respondents deny that this paper whether held to be a deed or not in any way affect the tract of landdescribed and set out in said bill and especially the part of it owned by these respondemts; they denythat the said Robert Crockett had title to or owned said tract of land at the time he executed said paper to the said Reuben Rose. Respondents suppose it to be true that said paper was duly recorded in the Clrk's office lof the County Court of Lee County Virginia as set out in said bill.

Respondents suppose that that the said Reuben Rose is dead but they have no knowledge as to whether he died testate or intestate, nor do they know who were his heirs at law, and they neither admit nor deny that the persons mentioned in said bill as the heirs of Reuben Rose, are such, but they demand full and complete proof of that allegation.

Respondents suppose it to be true that

Reppondents suppose it to be trye that by deed dated on the 9th day of December,1865, certain of the heirs, or at least persons, stying themselves heirs or Reuben Rose did convey, among other things, their interests in certain iron ores and privileges appurtenant which they claimed had been conveyed to the the said Reuben Rose by Robert Crockett and wife, to one George W.Rose, but they deny that said persons conveyed the iron ore on said 500 acre tract of land in the bill mentioned by said deed or otherwise, to the said George W.Rose or that that they had any interest in the iron ores on said tract of land to convey. Respondents suppose it to be true that this deed was duly recorded in the Clerk's office of the County Court of Lee County at the time and in the book mentioned in said bill.

Respondents suppose it to be true that Thomas D.Armold and Loretta Arnold his wife on the 31st day of October, in the year 1868, did convey to the said George W.Rose their undivided interest , being a one-seventh part in the tr ct of land of which the said Reuben Rose died siezed and possessed known as the iron works tract, made up of several small tracts lying in Claiborne County Tennessee and perhaps some of it in the State of Virginia, but they deny that said Arnold and wife conveyed or attempted to convey any interest in the iron ore or the tract of land described in said bill, and they likewise deny that the said Arnold and wife had any interest in the iron ore in on or under said tract of land to be conveyed by them.

Respondents suppose it to be true that the said George W. Rose and wife by deed dated on the 22nd day of May, 1888, did attempt to convey the iron ore on a certain tract of land situated in Lee County Virginia and while they cannot tell with tertainty that the tract of land mentioned in said deed is the same tract of land described in said bill they are constrained to suppose that it is the same, but however this may be, they deny that the said George W.Rose had any interest whatever in the iron ore or any part of it,in,on or under said tract of land at the time he made said conveyance or at any other time, and they deny that said conveyance conferred any right in the said A.A.Arthur Trustee to the iron or on said tract of land or

to any part of it. Respondents suppose it to be true that said deed, or pretended deed was duly recorded in the Clerk's office of the County Court of Lee County as set out in said bill.

Respondents suppose it to be true that by deed dated on November 26th 1888, that the said Alexander A.Arthur Trustee as such trustee in his own right and as attorney in fact for certain persons named in said deed did sell and attempt to convey the iron ore in, on and under the tract of land mentioned in the bill to the American Association, Limited, and that said deed was recorded as alleged in the bill, but they deny that the said Alexander A.Arthur, either individually or as trustee or that the persons for whom he attempted to act as attorney in fact, had any interest whatever in the iron ore thus attempted to be conveyed and they deny that the said American Association Limited acquired any right in said iron ore by reason of said alleged sale and conveyance.

Respondents suppose it to be true that on or about the 30th day of October, 1893 a suit was instituted in the Circuit Court of the United States for the Western District of Virginia, by the Central Trust Company of New York against the American Association,Limited, but they know nothing as to the object of that suit or the proceedings had therein, except such as they derived from that part of the record exhibited with the bill, but they deny that any right,title or interest in the iron ore mentioned and described in the plaintiffs' bill in this case was sold , transferred or in any way affected by the decree entered in said cause; thay deny that said decree in any way affects them or their interests in said tract of land or in the iron ore in on or under the same; they likewise deny that the plaintiff, the American Association,Incorporated acquired any rights to said iron mining rights,privileges, rights of way or any appurtenances therof by reason of said proceedings in on or under said tract of land.

Respondents suppose it to be true that Robert Crockett is dead, but when he died they do not know. They suppose the heirs of the said Robert Crockett are correctly set out in the allegations of said bill; they know nothing whatever of Martin Beaty or of his heirs,

but they suppose, in regular course of nature that Martin Beaty is dead but when his death occurred they have no knowledge. Respondents likewise suppose it to be true that on the ___ day of _____ 18___ R.E.Crockett,Newton Evans, Elizabeth J.Evans, Sarah Bales, A.J.Crockett and Harriosn Crockett and James H.Crockett together with Jonathon Bales husband of Sarah A.Blaes in the County Court of Lee County, filed their bill against the heirs of Martin Beaty deceased, the object of which was to obtain the legal title to said tract of land, but they deny that said bill was filed by said parties as heirs at law of Robert Crockett deceased, but upon the contrary they assert that said bill was filed by said parties in their own right as appears by the proceedings had in said cause , copies of which are filed by the plaintiff with its bill marked "Record". They deny that this tract of land was contracted by said Martin Beaty in his life time to the said Robert Crockett; they deny that the title bond referred to in said proceedings in said cause was executed by the said Martin Beaty to the said Robert Crockett. They say,however, that it is true that Peter C.Johnson did convey said tract of land to the said plaintiffs in said chancery cause, but they deny that these parties took said land by inheritance and on the contrary assert that they took the same by purchase;.

Respondents deny that the conveyance made by Peter C.Johnson Commissioner, of the Martin Beaty tract of land to the persons named in said deed enured to the benefit of Reuben Rose or to any other person except to the gratees in said deed; they deny that there was any privity between said grantees and the said Reuben Rose; and upon the other hand they assert that said conveyance was a conveyance of the entire tract of land to said parties mentioned as grantees in said deed and that they took the same as purchasers under said deed and not by inheritance.

Respondents deny that the said Reuben Rose took possession of the iron ore on said tract of land immediately after said deed,or whatever the paper may be called, of Robert Crockett and wife to him was executed, or that he ever took possession of it, and they deny that the parties claiming under the said Reuben Rose have continued in the possession of said iron ore using it as their own ever since

that they are now in possession of it or that they ever have been in possession of it.

Your respondents suppose that it is true that some kind of partition was made between the grantees under the deed from Peter C. Johnson, Commissioner, to them of a part of the tract of land described in said bill, but they deny that partition ever was made between said parties of the entire tract of land; they further deny that said partition to the extent to which it went, recognized or confirmed the sale of said iron ore by the said Robert Crockett to the said Reuben Rose; such recognition or confirmation was unnecessary in making said partition and conferred even if regognized.no rights upon Reuben Rose or those claiming under him, neither did it divest said parties to said partition deed of any right theretofore invested in them or either of them.

Your respondents will now show your honor that they are the owners of two parcels of said land; that on the 17th day of January, 1870 their ancestor James H.S.Morison, now deceased, purchased at judicial sale, from A.L.Pridemore Commissioner, certain portions of said tract of land; that on the 18th day of October, 1870, the said Pridemore as commissioner conveyed these two parcels of land so purchased as aforesaid to the said James H.S.Morison, by deed regularly executed, acknowledged, delivered and recorded, all of which will more fully appear by reference to said deed, a copy of which is herewith filed marked"A.L.P.". And inspection of this deed will show that this was a sale and conveyance in fee of said entire lands therein described with no reservation of iron ore, timber or anything else. And you respondents will now show your honor that immediately after the purchase of said land by the said James H.S.Morison that he took possession thereof, that he held the same openly, notoriously, continuously and exclusively, claiming the whole including the timber, the iron ore, the minerals of whatever kind or description, as his own up to the date of his death, which occurred more than fifteen years ago, that immediately after the death of the said James H.S.Morison as aforesaid, your

respondents took possession of said land claiming it as their own, together with everything in, on or under it, and that they have so held said lands openly, notoriously, continuously, exclusively and adversely, claiming said iron ore and timber as a part of said land and using each as they saw proper; that the said James H.S.Morison had said land listed for taxation and that he and they have paid the taxes thereon and as an entirety every year from 1870 down to the present; that said Reuben Rose and those claiming under him never paid one single cent of taxes on said iron ore, timber or any other interest which they now claim to assert in said land.

Respondents will now show your honor that on the 26th day of April, 1870, their father the said J.H.S.Morison purchased from James H.Crockett, one of the grantees in the deed dated on the 23rd day of June, 1869, by Peter C.Johnson, Commissioner &c., his entire interest in said tract of land and the same was conveyed to him by deed of that date. All of which will more fully appear by reference to said deed, a copy of which is herewith filed as part hereof, marked "J.H.C." And examination of this deed will show that it is an absolute conveyance in fee-simple and without any reservation whatever of the undivided interest of the said James H.Crockett in and to said land; and your respondents further show your honor that immediately after said purchase and conveyance to him, their ancestor the said J.H. S.Morison took the open, notorious possession of same, claiming it in its entirety as his own, that he held the same up to his death and that they, your respondents have held the possession of said land ever since, using it as their own for all purposes until they made sales of certain parts of it to co-defendants in this suit; that they and their father have paid the taxes upon the entirety of said land from 1870 down to the present; that no taxes have ever been paid thereon by the plaintiff or any person under whom it claims.

Your respondents will now show your honor that immediately after their father purchased said land and took possession of it, that

he opened the iron ore, went to work on the same, using it openly, and notoriously as his own; that the said work in removing said iron ore continued as he had use for the same from that time down to his death, and that your respondents since they have been in possession of said land which was before the year 1887 have opened up and used the iron ore, in, on and under said tract of land as they saw proper, down to the present time; that this working of said iron ore was open, notorious, continuous and exclusive under a claim of right and without hinderance or any adverse assertion of right until the institution of the present suit.

Your respondents will now show to your honor that it is true that William Gibson, William Casby, Chadwell Pridemore, Vincent Cormiony, W.B.Stidham, Martin Thompson and your respondents have been taking iron ore from various parts of said land, but they deny that this iron ore was taken while the said plaintiff was in possession of said land; they deny that it was without the knowledge of the plaintiff. The exaact amount of which has been thus mined they do not know, but suppose it is approximately stated by the plaintiffs in their bill. It is likewise true that the ore thus taken has been sold to the Virginia Iron,Coal and Coke Company. This sale of iron ore has been done principally through your respondent George P.Morison and the royalty of the same if $0.10 per ton.

Your respondents have very little knowledge of the contract mentioned by the plaintiffs between itself and George P.Morison, but they deny most positively that said plaintiffs supposed that the said Morison was taking iron ore for them from said land.

Your respondents now having answered said bill as fully as they are advised it is necessary to answer the same, and here denying every allegation of the bill not herein before admitted or denied, they pray that said injunction be dissolved and that they be dismissed with their reasonable costs in this behalf expended.

C. L. Duncan p.q.
J. H. S. Morrison

J. H. S. Morison et al

ads. } Answer

American Association

Incorporated

Filed in open Court and by leave thereof Nov 9th 1901.

A B Munsey Clerk

2

To the honorable H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia.

The joint and several answer of William Gibson, William Cosby Chadwell Pridemore, Vincent Cormangy, William B.Stidham, Martin Thompson and Martha J.Gibson to a bill exhibited against him and others in this honorable Court by the American Association, Incorporated, which sues as a corporation.

These respondents saving the benefit of all such exceptions as can or may be had to said bill, upon its final hearing for its many errors of law and misstatement of fact, for answer to said bill, or so much thereof as they are advised it is material and necessary for them to answer, answering say:

That they have carefully read and considered the answer of the their co-defendants William Morison,J.H.S.Morison,George P.Morison and Minnie Richmond to said bill and they believe that the denials therein made made and the facts therein stated are true and they hereby adopt the same as and for a part of their answer to said bill.

Respendents William Gibsons, William Cosby, Chadwell Pridemore, Vincent Cormaney, will here state to your honor that they each hold the lands and iron ore which they have been working under and as purchasers by deed in fee simple from their co-defendants whose answer they have herein before adopted as their answer, and they deny that the said plaintiff has any interest whatever in said iron ore,timber or mining rights on said land, and they deny that the said plaintiff is now in possesion of said land,iron ore or minerals. or that it or its agent were ever at any time in possession of the same; th y deny that George W.Rose Reuben Rose or the heirs of the said Reuben Rose were ever at any time in possession of said iron ore or any part thereof or any mining rights appurtenant thereto.

And now having answered said bill as fully as they deem it necessary to answer the same, and here denying each and every allegation of said bill now herein before admitted or denied, they pray that the said injunction be dissolved and that they be dismissed with their costs.

C. T. Duncan p.q.

Plaintiff Excepts to this answer as not suffi-
ciently setting forth How the respondents
claim title. The respondents Wm Gibson, Wm Cosby
Chadwell Pridemore & Vincent Cormancy should state
how they claim under their codefendants the
Morison heirs, & by what assurances
of title, and the respondents Martha J. Gibson
W. B. Stidham and Martin Thompson should
state how, under whom & by what assur-
ances of title they claim —

Sewell } For
Drain } Pltffs

Nov 15-04 —

W. G. Gibson et al

ads Answer Wm Gibson & others.

American Association &c

Filed in open court and by leave thereof Nov 9th 1901.

A B Munsey Clerk

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

The answer of C.M.Colson to a bill in chancery filed in this honerable court by the American Association,Incorporated against yur respondent and others.

Your said respondent reserving to herself all just exceptions to said bill and not waiving and of her rights therein,for answer to said bill or so much thereof as may be necessary for her to answer answering she says:

That she has read the answer of her co-defendant W.G.Colson and in all its parts,so far as applicable to the interest of your respondent,she here addopts and makes said answer her answer,and prays that the allegations,statements,recitations and conclusions be treated and considered as the answer of your respondent.

* And now having answered as fully as ~~xxxxxxxx~~ she is advised it is necessary that she should answer,she prays to be hence dismissed with her reasonable costs in this behalf expended.

And she will ever pray &c.

Pennington Bros. ~~.~~ ~~.~~ ~~.~~

W. G. Colson & al

ads { Separate
Answer of
C. M. Colson

American Association
Incorporated

Filed in open court
and by leave thereof Nov
the 15th 1901
A B Munsey Clerk

5

E. W. PENNINGTON ROBT. L. PENNINGTON

Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAP, VA

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

The answer of Flora Stidham to a bill and amended bill exhibited against her and others in this Honorable Court by the American Association,Incorporated.

Respondent answering said original and amended bill says that it is true that the plaintiff, at the second September rules 1901 filed in this honorable Court its original bill against William Gibson and others, to which your respondent was nat a party; that the object of said bill was to enjoin the mining and removal of iron ore from a certain tract of land in Lee County containing 500 acres more or less, which tract of land is described by the bill and the various exhibits therewith filed, and as a further object to quiet the title to said tract of land.

And in answer directly to said original bill respondent says that she has read carefully the answer of her co-respondents William,J.H.S. and George P.Morison and Minnie Richmond to said original bill; that she beleives said answer to be true in so far as it refers to the general title or rather want of title of the plaintiff to the iron ore in, on and under said 500 acre tract of land, and she here adopts the same as and for her answer in those particulars.

Respondent denies that the plaintiff is the owner of the iron ore and other minerals in, on and under said tract of land or any part of it; she denies that said complainants are in the possession of said iron ore, or that they ever had any possession thereof and she denies that any person under whom the plaintiff claimed at any time since 1862 have had possession of said iron ore or mineral or any of them or any part thereof and especially does she deny any such ownership or possession of the plaintiff to that part of said 500 acre tract of land laid off and assigned to R.E.Crockett and which is now owned by this respondent. This parcel so owned by respondent is two shares of lands owned by the said Robert Crockett at the time of his death and which were afterwards voluntarily partitioned among his children. The land so partitioned consisted as your respondent has been informed of parts of two tracts of land, one of which was a part of what is known as the John Jones 1155 acre tract and the other is the residue of the 500 acre tract

which was left after the two sales were made by A.L.Pridemore, Commissioner to Dr. J.H.S.Morrison. And the tract thus owned by your respondent was that which fell,in said partition, to R.E.Crockett, being his own one-sixth interest and the one-sixth interest which he purchased from his brother H.B.Crockett as is more fully shown by the deed of the said H.B.Crockett to the said R.E.Crockett a copy of which is filed herewith as a part hereof marked "R.S.No.1"

Your respondent has been informed, and she beleives truly so, that Robert Crockett departed this life intestate some time prior to the year 1867; that at the time of his death he did not have the legal title to the 500 acre tract of land mentioned in the bill if he ever owned said tract in any way. She is further informed and supposes truly so, that prior to the year 1868, the legal title to said land was in,or supposed to be in,the unknown heirs of Martin Beaty, and on the fourth day of May 1868 as she learns from "Exhibit Record" filed with the plaintiff's bill, that R.E.Crockett Newton A.Evans, Elizabeth J.Evans, Jonathan Bales, Sarah A.Bales, Andrew J.Drockett, Harrison B. Crockett and James A.Crockett filed their bill in the County Court of Lee County the object of which was to extract from the unknown heirs of Martin Beaty deceased the legal title to said 500 acre tract of land and that such proceedings were had in said cause as resulted in the appointment of a Commissioner whose duty it was made to convey said tract of land to the said plaintiffs in said suit, which he accordingly done, and a copy of said deed is filed by the plaintiff with its bill marked "Exhibit A". Your respondent denies that this conveyance o f the said Commissioner to R.E.Crockett and others enured to the benefit of Reuben Rose the grantee of said Robert Crockett for said iron ore , mining rights &c.. Respondent denies that the said Robert Crockett on the 25th day of November, 1857, or at any other time, was the owner of said 500 acre tract of land or that he conveyed the iron ore thereon or thereunder to Reuben Rose, and she denies that the said Robert Crockett had a title bond for the same from Martin Beaty or anyother person. An examination of the ~~xxx~~ exhibit with the plaintiff's bill, marked "record", will show that said suit was brought by Robert E.Crockett and others in their own right and not in right of any heirship to Robert Corckett or to any other person and the Commissioner is directed to convey to them as indi-

viduals and not as the heirs of Robert Crockett, and an examination of the deed made by said Commissioner shows that the conveyance was to said parties as individuals. A further examination of said deed discloses the fact that it was a conveyance of the entirety of said tract of land in fee simple without any reservation of any kind, and respondent will now show your Honor that she has been informed and she alleges it to be true that immediately after the execution of said deed by the said Commissioner, that the parties named therein as grantees took possession of said land claiming it and holding it as their own including the iron ore and other minerals thereunder and adversely to the claims of every other person.

By an examination of the deed of H.B.Crockett to R.E.Crockett herein filed as exhibit F.S.No.1 it will be seen that said deed is a conveyance in fee-simple of his undivided interest with no reservations of iron ore or minerals or mining privileges.

Your respondent is informed that complainant is laying great stress upon the fact that when deeds of partition were signed up between the Crocketts that in these mutual conveyances they reserved the iron ore and that in the deed from his brothers and sisters and J.H.S.Morrison, who had become the owner by purchase of James H.Crockett's share in said land, that said grantors or rather releasprs, reserved the iron ore. Your respondent is advised that said reservation amounts to nothing, that the said R.E.Crockett was already seised of his full interest in the said land and that the only effect that said deed had or could have was a severance of his share or interest in said land from the shares of his cotenants, and that said deed could not divest him of interests with which he was already seised.

Your respondent will now show your Honor that the said R.E. Crockett lived on, occupied and used said tract of land openly, notoriously, continously and exclusively for a long number of years all the time claiming it in fee-simple from the center of the earth to the heavens, and during his ownership of said land, your petitioner is advised and she avers it to be true, that the said R.E. Crockett made as many as three deeds of trust on said land in each of which he conveyed the whole land, iron ore and minerals, without any reservations of any kind, under one of which deeds of trust

and in a suit in chancery for the purpose of adjusting and ascertaining the liens upon said land, it was decreed to be sold and that no reservation whatever was made in said decree, nor was any claim set up or asserted by the plaintiff to any interest in said land nor did said plaintiff come forward and assist in the defence of said suit or contribute anything towards saving said land from sale, And after it was decreed to be sold as your respondent is advised and here charges ~~that~~ Martha J.Gibson, a daughter of the said R. E.Crockett, and who for eight years or more prior thereto had been supporting him in his palsied affliction, ~~xxx~~ paid off the sum of said deed of trust ~~and~~ for which said land was decreed to be sold and thereupon her father conveyed said land to her, all of which will more fully and at large appear by reference to the chancery cause of W.A.Crockett vs. E.W.R.Ewing, trustee &c. et al still of record in the Clerk's office of the Circuit Court of Lee County, to which reference is here made, and to the deed of R.E.Crockett to Martha J.Gibson, a copy of which is filed with the answer of the said Martha J.Gibson and to which reference is here made.

Respondent will now show your Honor that after said land was conveyed by the said R.E.Crockett to his daughter the said Martha J.Gibson, your respondent, in ocnsideration of the sum of $1300.00 purchased said land from the said Martha J.Gibson and took a deed for the same, a copy of which is filed herewith as part hereof. marked "R.S.No.2".

Respondent says that she is an innocent purchaser of said land full and complete, and that she became such before she had any notice of the claim of the plaintiff to the iron ore, and she avers that she and those under whom she claims had been in the open notorious, continuous and adverse possession of said land claiming it as their own for more than ten years before the institution of this suit and she invokes for her protection the benefits of the the ststute of limitation.

Respondent denies that plaintiff is or ever was the owner of the iron ore on said 500 acre tract of land or any part thereof; she denies that Reuben Rose or any person claiming to be his vendees have ever been the owner of said iron ore or any part thereof since the year 1862 when the furnace, or iron works, sold by Robert Crockett to Reuben Rose, on Indian Creek ceased to be operated

Respondent is advised and will now show your Honor, that the alleged deed of the 25th day of November, 1857, of Robert Crockett and wife to Reuben Rose, a copy of which is filed with the plaintiff's bill as exhibit 2, only conveyed to the said Reuben Rose the right to the iron ore on said land (if the ore on said 500 acre tract was embraced by said deed) for use at said iron works on Indian Creek. The consideration for said conveyance is the fact that the said Crockett had theretofore sold and conveyed unto Reuben Rose the iron works theretofore belonging to him with certain lands belonging to the same, and the deed then recites as follows " andby said contract said Rose was to have the benefit of all the iron ore on the lands belonging to the said Corckett in the County of Lee &c" The deed then proceeds "in consideration of said contract we the said Robert Corckett and Elizabeth Crockett doth sell and convey all the ore on all their lands as aforesaid unto the said Reuben Rose his heirs and assigns forever with free access by gates to be kept up by both parties through their lands, to dig and haul the same to the iron works" While the granting words of the deed are broad they must be referred to the consideration and the reason for said conveyance. This consideration and reason is the fact of the sale of said iron works and the consequent duty and desire of furnishing a sufficient quantity of ore to run said works and the right of the said Rose is, by the deed, expressly limited to only dig ore for and haul it to said iron works". By the terms of said deed said ore could be hauled no place else and it seems to be limited alone in the use of timber &c. to the said Rose and his hands. Your respondent avers that said iron works ceased operation in the year 1862 and that they have never been in operation since. When said iron works were abandoned the iron ore was abandoned, and Rose's right to it ceased, and from that day down to the time when a "boom" was started in lands and minerals around Cumberland Gap, no claim was ever set up or asserted by Reuben Rose or any of his descendants to said iron ore. They never paid, as respondent is advised, one single cent of taxes on said ore or mineral right, and in 1867 or 1868 when it became necessary for R.E. Crockett and others to extract the legal title to said 500 acre tract of land from the heirs of Martin Beaty, said Roses stood aloof, took no interest in said suit, contributed nothing to the expense thereof, asserted no claim there-

to, thus showingin the strongest manner that acts can show a complete abandonment of the right to said ore and the privilege of removing it from said land, and respondent is advised that not only the statute of limitation but the doctrine of laches affords to her and those of her co-defendants owning parts of said 500 acre tract of land, a complete defence to the unjust claim of the plaintiff here asserted.

Respondent will now show your Honor that she has no knowledge within herself as to whom said tract of land was granted by the Commonwealth, nor does she beleive that complainants have any better knowledge. Said plaintiff comes by its original bill solemnly asserting that said tract of land was granted by the Commonwealth to Martin Beaty and they solmnly averthat they have filed a certified copy of said patent with the bill marked "Exhibit 1", and in the amended bill thex plaintiff says it was mistaken in reading its own patent, and it now avers that said tract of land was granted to Robert Beaty. Respondent makes no admission or denial as to either of these contradictory allegations.

Respondent now having answered said bill and amended bill in so far as she deems it material to answer the same, and here denying ever allegation not hereinbefore specifically denied or admitted she prays that said injunction be dissolved and that she be hence dismissed with her cost.

C. T. Duncan

G. P. Crisblin

P. D.

American Asin. Inc.

vs. } In Chy.

Wm. G. Gibson et al

Answer of

Mrs. Flora Stidham

Filed May 6th 1903.

A.B. Munsey Clerk

7

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

The separate answer of Mary Cosby to a bill and an amended bill exhibited against her and others in this honorable Court by the American Association,Incorporated.

Respondent says that she is the owner of a small parcel of the land in the bill and proceedings mentioned, the same being a part of the land conveyed to J.H.S.Morrison by A.L.Pridemore Commissioner and she files herewith as apart hereof, a copy of her deed for the same.

Respondent will now show your Honor that she has had carefully read to her the answer of William E., J.H.S., and Geo.P. Morrison to said original bill and she here adopts the same as her answer to both said amended and original bills, and in addition thereto she denies that said plaintiff was in the possession of the iron ore in, on and under the tract of land owned by her at the time of the institution of this suit; she herself was in the actual possession of said land under which said ore lies and she was in the actual possession using and working said iron ore at the time of the institution of said suit. She likewise denies that said plaintiff or any one under whom it claims, was ever, at any time, since the year 1862, if ever, in the possession of the iron ore or any part of it in, on or under said tract of land now owned by respondent, and she asserts that from 1870 , that is from the date of his purchase from A.L.Pridemore, Dr, J.H.S.Morrisons was in the actual. open, notorious, continuous and exclusive possession of all the lands so purchased by him, claiming the same as his own up to the time of his death; that after his death his heirs were likewise and in like possession of said land up to the time they conveyed the same to respondent, and that respondent has been in the possession ever since.

And now having answered said bill as fully as she is advised it is material to answer the same, and here specifically denying every allegation of the plaintiff's bill not herein before admitted or denied, she prays to be hence dismissed with her cost.

E. T. Duncan p.d.
Geo. P. Cridlin

American Asin. Inc.

vs. } In Chancery

Wm. G. Gibson et al

Answer of

Mary Crosby.

Filed 1st May rules 1903

A. B. Mumsey Clerk

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County,Virginia:

The separate answer of Martha J.Gibson to an original and amended bill exhibited in this honorable court against her and others by the American Association Incorporated;

For answer the respondent says said bill is not sufficient in law for her to be called upon to answer;but should any other and further answer be necessary,answering she says:

That it is not true that the complainant is the owner and in possession of all the iron ore and minerals and certain rights and priveleges appurtenant thereto,in,on and under the tract of land in the bill mentioned,orany part of said tract;and she denies that said complainant or any person ,under whom it claims,ever at any time,unless it was old Robert Crocket,had possession of said ore or minerals,or any of them or any part thereof.

Now respondant supposes that it is true,that said tract of land was granted by the commonwealth to Robert Beaty,but,as to whether Martin Beaty became the owner thereof,and how,as as to how Robert Crocket became the owner,she does not know.

As to the several allegations in said bill,as to the ~~claim of the~~ claim of the plaintiff to the ore,minerals,etc.,on said tract of land,and as to the validity and legal effect of the writing purporting to have been entered into between Robert Crocket and wife and Ruben Rose,Nov.27,I857, and as to the several allegations of said bill referred to by said answer, this respondent having heard the answer to the original bill,of William Morrison,J.H.S.Morrison,Geo.P.Morrison,and Minnie Richmond read,she here adopts said answer as and for her own;and in addition thereto she will further represent unto your honor,that R.E.Crocket,the father of your respondent was the owner of that part of the said 500 acre tract of land, laid down on the plat of L.M.Carmicheal,filed in the cause,and designated"R.E.Crochet",from the 14th day of Feb, I888,until he sold and conveyed the same to this respondent,and put her in possession thereof,April 30th I898,holding,using,cultivating and enjoying the same,and every part and parcel thereof,togehter with

the ore,minerals and all things pertaining thereto,openly,notoriously,adversly,and continuously,as his own;and your,respondent from the said 30th day of Aprol,I898,up to the present time,and her vendee Stidham have been in like possession of said ~~land~~ tract or parcel of land,ore and minerals,amd all things pertaining thereto, using and occupying the same in like manner;and have not been interfered with by any one,claiming said land or the ore,or the minerals thereon,until the institution of this suit.

And your respondent is advised and therefore alleges,that such open,notorious,continuous adverse,and uninterrupted possession is a complete bar to the plaintiff's action;and she here invokes the statute of limitation in her behalf against the plaintiff's claim.

The deed from R.E.Crocket, conveying to your respondant,dated April 30th,I898,~~for~~ said tract or parcel of land,is herewith filed as a part hereof,marked "G".

And said respondant having fully answered said original and amended bills,so far as she is advised that it is material or necessary she should answer,now denying all allegations of said bills,not hereinbefore answered or denied,she prays ~~to~~ hence dismissed with her reasonable costs.

Orr & Neel for Deft

Martha J Gibson

ads } Ans.

American association
Incorporated.

Filed 1st May rules 1903

A. B. Munsey clerk

"9"

To the Hon.H.A.W.Skeen,judge of the Circuit Court for Lee County.

The joint demurer and answer of W.G.and C.M.Colson to an amended bill filed in the Circuit court for Lee County,Va.,by the American Associated Incorporated against them and others,and for demurrer thereto they say they are advised that said amended bill is not sufficient in law to call upon them for answer,and of this they pray for judgement;but if they be mistaken in their cause of demurrer,and further answer should be required of them,not waiving their cause of demurrer,answering they say:

That in so far as theri answer to the original bill of said compalinants is applicable to its said amened bill,they adopt the same as an answer thereto. But answering more specifically,they deny most emphatically, that said Robert Beaty conveyed the 500 acre tarct of land mentioned in this cause to Martin Beaty in the early part of the 19th century or at any other time,and consequently a record could not be made of such conveyance. They deny that prior to 1821 or at any other time said Martin Beaty had executed a title bond for said land to Robert Crocket or to any other person,and that said Robert Beaty took possession of the same as early as said year or in any other year and mined any iron ore at all upon said land;but if he should have mined any such ore it was done now and then,not regulary and constantly,nor did those claiming under him do so,until the breaking out of the Civil war in 1861 or 62 or at any othe time.

Your respondents deny that said complainant and those under whom they claim ever posessed and enjoyed said tract of land or any part thereof during all of said period of time,cultivating portions thereof,or had any part thereof cleared and under fence,or built or had any dwelling houses continuously during all of said time.They deny the possession o f said Robert Crocket or any one claiming under him was for the said entire period of time open,notorious,continuous,adverse and exclusive,under color of title for the whole or of any part thereof for the statutory period,and such being the case your respondents are advised that it is material for the said complainant to connect itself with Robert Beaty, for no conveyance will be presumed in this case to him or to any other person.

Your respondents will further deny that inn 1854 or 55 or at any other date said Robert Crocket sold the iron ore on,in or under said

tract of land;and they deny that he did not convey the same until in 1857.And they deny that ~~KKK~~ Rueben Rose and those claiming under him, including said complainant have since 1854 or 1855 or any other year held said iron ore and used,mined,occupied and enjoyed the same,openly, adversely,continuously ,hototiously and exclusively against the claim of your respondents,much less all persons until the trespapssess set forth in said complainats original bill.

Your respondents further say and they insist that the Robert Beaty mentioned in their answer to said complainant's said original bill is the true and rightful Robert Beaty,and was the same Beaty to whom said land was granted by the Commonwealhh.If there was ever any other man by that name they never heard of him,and they now think and charge that such an insinuation is but a ruse of the complainants to bolster up its unjust cause set up against them.They demand strict proof of its charge so falsely made.

It is true that said deed of Robert Beaty ~~x~~ to William Woodsaon was not put upon record until in 1901,yet such a fact does not viciate the same,unless the said complainant cnan show by proper eveidence that it is an innocent purchaser without notice,and this it does not attempt to claim in its original or amened bill.Your respondents are advised that it is not the recordation of deed that makes it good,but it is its execution and deliverey,which was done by said Robert Beaty to said Wm.Woodson.If it is intended or intimated that said deed of Robert Beaty to said Woodson was fraudulent,that is expressly denyed. And now having fully answered said amened bill as they are advised it is material for them to answer,they pray that they be hence dismissed with thei r reasonable costs in this behalf expended. But if any any allegation in said original or amended bill has been overlooked and not admited or specificly denyed,your respondents call upon said complainant for strict and lawful proof of the same,for they do not admit any thing not specially so done in this or their answer to said original Bill. And they will ever pray etc.

Pennington Bros. P.D.

W. G. & M. C. Colson

ads { Answer to Amended Bill

American Associates

Limited

10

Pennington Bros.
ATTORNEYS AT LAW.
JONESVILLE AND PENNINGTON GAP, VA.

Lee Circuit Court.

American Association Incorporated Plff,
vs
Wm " Gibson et al. Dfts, } Chancery

Upon the Calling of this Cause on this the 19th " of September 1906. the plaintiff by Counsel, suggested to the Court that, since the last Term of this Court, one of the defendants, William Morison, had died, intestate, leaving surviving him, a widow Allie Morison, and one son, James H.S. Morison, an infant under the age of twenty one years, his only heir at law. On Motion of the plaintiff, by Counsel, leave is hereby granted it to amend its original and amended bills, making the said Allie Morison and James H.S. Morison parties defendant to this Cause.

And said amendments being made at bar C.J. Duncan, who was Counsel for the said William Morison in this Cause, on Motion of the plaintiff, is hereby appointed Guardian ad litem for the said infant defendant James H.S. Morison, and the said C.J. Duncan appears herein as Counsel for the said Allie Morison, and as guardian ad litem for the said James H.S. Morison, and waives service of process as to them.

And on motion of the said C.J. Duncan, leave is hereby granted him to file answers for the said Allie Morison, and answers as guardian ad litem for the said James H.S. Morison, to the said Bills which are accordingly filed, and the plaintiff replied generally thereto. And this Cause is Continued.

American Association Incorporated

vs } Order.

Wm Gibson et al.

Entered in C.O.B.
8, page 210 &c.-

4

Enter this,

Sept. 19th 1906.

LEE CIRCUIT COURT.

American Association Incorporated, Plaintiff.

vs. In Chancery.

Wm. Gibson, et al, Defendants.

****

It appearing that the defendants, Martha J. Gibson, Flora Stidham, and Mary Cosby, have filed their separate answers at rules since the last term of this court, which are answers to both the original bill and the amended bill in this cause. The plaintiff replies generally to said answers, and by agreement of the parties the joint answers heretofore filed by Wm. Morrison, J. H. S. Morrison, Geo. P. Morrison, Minnie Richmond, and the joint answers of Wm. Gibson, Wm. Cosby, Chadwell Pridemore, Vincent Carminy, Kate Carminy, and Wm. B. Stidham, Martin Thompson, and T. S. Gibson, are to be treated as answers to the amended bill as well as the original bill herein, to which as answers to the amended bill, the plaintiff likewise replies generally. Thereupon W. G. Colson and C. M. Colson, ask leave of the court to file their joint demurrer and answers to the said amended bill, which leave is granted, and the same are accordingly filed. And the plaintiff required the said W. G. Colson and C. M. Colson to state in writing the grounds of their said demurrer, and they failing to assign any grounds of said demurrer, it is therefore adjudged, ordered and decreed that the said demurrer be and the same is hereby over-ruled, and the plaintiff replies generally to the said answers of the said W. G. Colson and C. M. Colson.

And by agreement of the parties the depositions heretofore taken by the plaintiff, prior to the filing of its amended bill, and prior to the introduction of certain defendants, are to be read and considered upon both the original and amended bills, and the issues raised thereby, as though the amended bill

had been filed prior to the taking of said depositions, and the said parties had been made parties original.

And this cause is continued.

American Association Incorporated
vs } Decree
Wm Gibson et al,

En COB 7 p. 347-8.

3

Enter this.
July 14th 1903
H L W Shell

AMERICAN ASSOCIATION INCORPORATED, PLAINTIFF

vs. IN CHANCERY

WILLIAM GIBSON, et al. DEFENDANTS.

****

Upon motion of the plaintiff leave is granted it to file an amended bill herein, which is accordingly done, and the defendants in said amended bill appear thereto by counsel and waive the issuance and service of process, and by consent of parties by counsel leave is granted any of said defendants who may be so advised to file their answer to said amended bill in the clerk's office at rules at any time on or prior to first May Rules next, and this cause is continued.

American Association et al
vs
Decree filing
amended bill
Wm H Gibson et al

2

Enter this
March 11th 1903.

Ent. C.O.B. 7. P. 286.

The deposition of L. M. Carmical taken at the office of B. H. Sewell in Jonesville, Virginia, February 18th, 1907, in behalf of the plaintiff in a certain suit pending in the Circuit Court of Lee County, Virginia, under the style of Wm. Gibson et al vs American Association INCORPORATED.

By agreement of counsel oath and signature of witness is waived:

DIRECT EXAMINATION BY MR. IRVINE:

Q: Please state whether or not you ever ran out the Fields 7080 acre patent and if so what was the occasion for doing it?

A: I ran a part of the lines, not the whole of it by order of Federal Court (U. S. Circuit Court at Abingdon, Va.) in a suit then pending therein between the Eatern Kentucky Land Company and the American Association Limited and others, which involved the title to some of the Fields land about ten years ago.

Q: State whether or not your report and survey was used as a basis by both parties?

A: I think it was.

Q: State whether or not you located the lines of the Fields survey at the t time the same as you have located them in the plat in this cause so far as the same are shown on your present map?

A: The locations are the same.

Q: Who pounted out to you the corners by which you ran that Survey?

A: C. B. Johnson and Maj. Cockrell.

Q: Who were they?

A: C. B. Johnson was a surveyor that lived in the neighborhood of the survey and had lived there many years, and he done a great deal of surveying in that section. Maj. Cockrell was representing the interest of the Eastern Kentucky Land Co, Gen. Manager

Q: State how old the marks on the corner trees at a3 on your plat and the line trees on two fields lines leading from the point mentioned in your report seemed to be?

A. They were very ancient ~~i~~ marks. They had the appearance of being made as far back as 50 years. probably further.

Q: Could you state whether they could have been as old as 100 years?

A: They may probably have been as old as 100 years. It is a very difficult matter for a surveyor without blocking a tree to tell by its general appearance whether it is very old or not.

Q: State whether or not any one at the time you made the court survey above referred to or at any other time ever suggested to you that the true Fields line was higher up the mountain along there?

A: No one ever suggested it, that I remember of, and I should think I would remember it.

Q: Did any one ever tell you of any marked corner or line trees from 200 or 300 poles further up the mountain at that point, or did you ever find or have occasion to look for such trees along there?

A: No one ever made any mention of such trees and I had no occasion to look for any.

Q: State whether or not you ever had occasion to run any other land that cornered at the point b1 on your plat, known as the Gibson white oak corner?

A: I ran from that point in a, I reckon it was an ejectment ~~s~~ suit--I ran it in a suit between Mr. Colson and Mr. Hamilton several years ago and also ran it once before in a suit between the American Association and Mr. Colson. In the Hamilton suit the land in controversy lay on the South of this tree and in the second suit the land was practically the same ~~kk~~ as that

survey in this suit.

Q: State whether or not that point is an old recognized corner among the land owners ~~in~~ at that point?

A: I think it is. I have never heard it disputed.

Q: If a line be run from the point b 4 on your map N 36 E 482 poles, how close would that bring it to the cliffs of the Cumberland Mountain as near as you can guage it ?

A: Very near the cliffs I should think.

Q: Taking that point as a correct location of the two white oaks and pine shown as a 3 on your map and running the Fields lines from that point, how would lines running off from there lie with reference to the cliffs of the mountain?

A: Well, those lines would be near the cliffs. The cliffs run in a general direction about parallel with these lines.

Q: Where do these lines run by you lie with reference to the foot of the mountains.

A: After we leave a3 they rapidly fall towards the foot of the mountains and reach the foot at a4 and b 6.

Q: Point a3 as I understand you, is on the spur of the mountain, is that correct?

A: That is correct.

Q: Where is Cumberland Gap on your plat approximately, I mean the Gap in the mountain?

A: I think it is immediately above the line marked "d5" and "d6".

Q: What is the scale of your map in this case?

A: I think it is about 60 poles.

~~EX~~ CROSS-EXAMINATION-MR. COLSON:

Q: How many lines in the Fields survey did you ever run?

A: I think 7 or 8.

Q: Where did you begin?

A: We began at a pointover in Kentucky said to be the begin-

xixg -ning corner in the survey.

:Q: What did you find in that call?

:A: I have no my field notes with me.

:Q: Do you remember what you found at the end of the second call?

:A: I remember very distinctly we did not find any standing corners.

:Q: The seven lines that you called for that you run in the Fields survey are not all laid down on the map, are they?

A: No sir; I did not run these seven lines on this occasion.

Q: How do you know that your location of the Fields line in the suit of the Federal Court isthe same as in this court?

A: I ran the same lines.

Q: Is that the only reason why you know it?

A: I ran along the same trees and know the location of the lines of course.

xx for instance: this line from the two white oaks and pine at a3 are the same xx corners that we ran to and from xxx in the case in the Federal court and the marked timber along the lines from a3 to a4 are the same that I described in that case and the broken valley I located in this last survey, I located in the Federal Court survey.

Q: Did you run the same number of lines on the Fields survey in each case?

A: No sir I did not.

Q: Did you run to this point in making the survey in the Federal Court --a3?

A: Yes sir

Q: Did you run beyohd it?

A: We did not run the whole line from a3 to b 6.

Q: This is all the timber you found standing at a 3 ?

A: No I--

Q: Corners, I mean?

A: That is all the corners I found standing.

Q: Now, I understand you to say in your deposition, that the marks on the timber at a3 looked like they might be as old as 50 years, or they might be older: Why do you say that?

A: When I look at a man who looks like he is 50 years old and tell you that I think he is fifty years old, I judge by his appear ance--Age has its natural appearance and you can judge it by its appearance. That is how I judged the marks in the tree. They become weather worn and look aged like anything else that is aged.

Q: You ~~k~~ speak of the marks on the three white oaks, corner to John Jones 1155 acre tract as appearing young. How much younger do they appear that the timber marked at a3?

A: They seem to me to be a number of years younger.

Q: Well, how old do they look to be?

A: I don't remember how old they looked to be--you know all that is comparatively-

~~Q:~~ a man cannot say they are one year old, or two years old, but they looked younger than the marks at a3.

Q: How do you account for the location of the Beaty boundary at a2

~~A~~: The line running from b3 to b 4 is S 60 W 220 poles to a pin

Q: That place was pointed out to you by how many people as being the location of the Jones pine corner survey?

A: I don't remember

Q: Can you give any of them?

A: Why, I can't recall any but Mr. Johnson.

Q: How many surveys was the point b4 said to be a corner of?

A: I don't know.

Q: Is it a corner of the Crockett 1,000 acres?

A: I think so.

Q: Is not the line running b3 to b 4 S 60 West a line in common with the 1,000 acre Crockett survey and the John Jones survey?

A: I don't know.

Q: Is it not so called for in the respective grants?

A: I don't remember.

Q: Who was C. B. Johnson acting for when he pointed out b4 as the pine corner of the Jones 1155 acre survey.

A: I don't know who. In fact I don't know that he was representing anybody when he pointed out that corner.

Q: You say he is an old surveyor?

A: Yes sir.

Q: Why did you not run from point b4 S 84 E according to the call in the Robert Beaty grant?

A: I was directed by the parties who were conducting the survey.

Q: That is your only reason for it?

A: Yes sir

Q: Then you did not run from the point b 4 S 84 W 222 poles?

A: I did not.

Q: Doesnot the third corner in the Robert Beaty survey read "thence N 84 E 222 poles with the John Jones line to a pine"?

A: I cannot tell without reference to that description.

Just take it and see if it don't?

A: It does.

Q: Did you find any pine at al?

A: I think not.

Q: You did not run the line from b4 N 36 E 482 poles in making

your survey?

A: I think not.

Q: In making your map in this case did you re-run any of the Foilds line or did you go to the point shown to you at a3 and extend the lines by protraction

A: We ran the lines from a 3 to a4 and from a 3 to b 3. and we further ran from a 4 to a 5 and on the Beaty line, we ran from a 5 to a1 and from a 1 to a2. We also ran from b 1 to b 2 tb b3 to b 4 as indicated on the maps and also thu sub-divisions of the Crockett land.

Q: And these points indicated on the map fro= whic' you ran were shown to you by parties ~~xxxxx~~ naming the sub-division or division of the Martin Beaty land?

A: I think so.

Q: Then, Mr. Carmical, you don't show on this map any line running fro= b4 S 84 W 222 poles?

A: I do not.

Q: Or 500 poles?

A: I do not.

Q: It is well se tled that the three white oaks as the location of the Jones Jones corner is not disputed by any of the parties in interest?

A: If it is disputed I don't know it.

Q: Those white oaks were pointed out to you by Jonson as being a corner to Jones survey were they not?

A: I don't remember about that. He pointed out to me as corners of the Corcketi 1,000 acre survey.

Q: You found nox ~~m~~akred timber in running the line from A5 to A 1

A: I think not.

#8

RE-DIRECT EXAMINATION--MR. IRVINE

Q: In running the Fields survey the second call is N 85 E 160 poles to two black oaks and a hickory in a gap. Please state where you located this point with reference to Cumberland Gap in the mountain?

A: As I remember it was a few rods North of the Gap in the mountain.

Q: And that is the point makred as a station on your map in this case about an inch North of d6--is that correct?

A: Yes sir.

Q: The Gap of the mountain then would be between that station and the station south of that and about middle way between d 5 and d 6, is that correct?

A: That is correct.

Further deponent sayeth not

signature and oath waived.

I, Wm. B. Carnes do certify that the foregoing deposition was taken down in shorthand and transcribed by me on the 10th day of February, 1907, at the Office of B.H.Sewell in Jonesville, Lee County, Virginia, and that pursuant to agreement of counsel, signature and oath of witness was waived.

charges:

8 pages @ 20¢ $1.60

American Association Personal

vs { Deposition for Pltf
L. M. Comneal

Wm Gibson et al

Filed April 5 1907
H. C. P. Ewing
Clerk.

7

AMERICAN ASSOCIATION, INCORPORATED,

v. IN CHANCERY.

WILLIAM GIBSON ET AL.

The deposition of W. B. Stidham, taken on August 23rd, 1906, at the Johnson Hotel, Pennington Gap, Virginia, pursuant to notice and the agreement of the parties, to be read in evidence on behalf of the defendant, Flora Stidham and other defendants in the cause in chancery now pending in the Circuit Court of Lee County, Virginia, under the style of American Association, Incorporated, v. William Gibson et al.

PRESENT:

B. H. Sewell and R. T. Irvine, attorneys for plaintiff, and C. T. Duncan, J. C. Noel and W. C. Colson, of counsel for defendants.

W. B. STIDHAM, a witness of lawful age, being duly sworn, deposes and says:

Q. What is your name, residence and occupation?

A W. B. Stidham; I live in Lee County, and work on railroad.

Q What is your age?

A 42 years old.

Q What part of Lee County do you live in, Mr. Stidham?

A Station Creek, in the lower end of the County.

Q Are you acquainted with the tract of land known as the Robert Crockett 500 acre tract?

A I think I am.

Q How long have you known it?

A 17 years.

Q Are you acquainted with the seam of iron ore that's on it?

A Yes, sir.

Q How long have you known that?

A Same time--seventeen years.

Q Did you ever make an examination of that iron ore with a view of leasing or purchasing it either for yourself or for some other party?

A Yes, sir.

Q When was that?

A That was the Fall of '87 I believe--that's the best I remember.

Q State whether or not there was at that time any other fresh or new openings on that seam of iron ore?

A None whatever.

Q When did you first see the openings of iron ore upon that land, and, if you know, by whom were they made?

A I think they were made by Clyde Johnson, son of Charley Johnson.

Q Under whose direction?

A R. C. Ballard Thruston--was the information I had from you (Duncan) that day.

Q You may state whether or not I was having them done or superintending the doing of them?

A Yes, sir; you was there in person yourself.

Q State whether or not there were any old apparent openings of iron ore on that tract of land?

A Yes, sir; there was.

Q Now, you may state at what point on the tract you observed these old evidences of a seam of iron ore having

been worked?

A The old work continued all the way along the tract just mentioned, and all the way to Cumberland Gap.

Q Was there any evidences of openings on this 500 acre tract, on that part of the land then claimed by Ellett Crockett and now owned by you and your wife?

A The old openings were made, as I stated, on this particular tract.

Q How far West did these openings extend--clear down to the end of the tract?

A All the way across this 500 acre tract.

Q If I understand you correctly, you state that there was no other opening on that tract of land at all, except those made under the direction of myself and Mr. Thruston by Clyde Johnson?

A None whatever.

Q Did you ever have any conversation with anybody representing the American Association, Limited, or the Rose claimant with reference to leasing or purchasing that iron ore on that particulat 500 acre tract of land?

A Yes, sir.

Q When was that?

A About ten years ago this September.

Q Well, what did they say about it, if anything?

A I went to see Mr. Alex. McArthur, I think it was, at Cumberland Gap--Captian Gibson furnished me the information; we sent to Middlesboro for him and he came to the office in Cumberland Gap; he said he did not know anything about the land, but that Charlie Johnson and the surveyor did, and he furnished some map, and he and Dr. Morrison went over the premises with me; he was their surveyor then, and we went

over another tract of land, and passed through these premises, and he showed me a 57 or a 157 acre tract up the creek above all these premises.

Q Well, at that time did he assert any ownership in the iron ore on this piece of land?

A No, sir.

Q At the time you met him and Johnson and others, recite, if you can remember, who else was present?

A R. E. Crockett was there himself.

Q Did Mr. Crockett make any statement to you, if so, what, in reference to the iron ore?

A He wanted to sell, and I represented F. A. Stratton and Frank Gilliam, and he proposed to me that he sell me this iron ore, in the presence of you, Ballard Thruston, Charley Johnson and Clyde Johnson, and others who were working there.

Q At that time was Mr. Crockett living on the same tract of land now owned by you?

A Yes, sir.

Q You know the tract of land that is claimed by Mr. Colson?

A Yes, sir.

Q At the time you speak of were there any fresh openings on that piece of land?

A No, sir.

Q Were there any old openings on the land?

A Yes, sir; there was.

Q At the time you met the representative of the American Association, if I understand you correctly, you state that he presented to you some map. I will ask you if this map showed that they were claiming the iron ore on this 500

acre tract.

A No, sir.

By Mr. Colsen:

Q You speak of some old openings on the land in controversy; state whether you ever saw any openings other than those you have mentioned, or whether you ever saw anyone taking ore from any of the lands in controversy?

A Yes, I have seen people taking the ore since I have lived there.

Q I mean before?

A No, sir.

Q Who since then?

A G. P. Morrison.

Q None before?

A No, I never knew of anything except samples I took myself.

Q During the time you were prospecting, did you undertake to get ore on the North of Poor Valley Ridge?

A I prospected it about ten years ago.

Q At what points did you prospect on the land?

A All along from Cumberland Gap up to the premises I own.

Q If, during that time, you was instructed not to go on any part of the premises in controversy, tell where?

A You or your brother sent a note by John Barnes to know by what authority I went on the premises.

Q On what part of the premises were you then working?

A I was working on the premises North-east of where I live--at John's.

Q You never seen the lines of John Jones' survey defined when the lines of the 500 acre survey were defined?

A No, sir.

(OBJECTION: Counsel for the American Association, Incorporated, object to all of the foregoing questions and answers as to the conversation between witness and R. E. Crockett as inadmissable.)

CROSS-EXAMINATION by counsel for plaintiff:

Q How long have you lived on this land?

A About five years I believe.

Q Prior to that time you lived in Wise County, near Big Stone Gap, did you not?

A Three years before that I was at Ewing, fourteen miles this side of the land.

Q Your experience with this iron ore prior to five years ago was practically limited to the two trips which you took there, to-wit: the one in 1887 in which you saw the Thruston or Judge Duncan openings, and the other one about ten years ago when you met Mr. Arthur.

A Yes, those two trips and another which I did not tell about.

Q Well, tell about that other one.

A I didn't think it necessary; it was about like the other ones; I met Mr. Arthur and we went over the premises and spoke of his title there.

Q Did Mr. Arthur tell you at Cumberland Gap that he didn't know about his Company's property there.

A That's what he did--that's correct.

Q Who was it that you referred to in your direct examination as having moved iron ore from these lands in recent years?

A G. P. Morrison, of Cumberland Gap.

Q Where was he getting it from?

A Off of the premises that I live on--the land in controversy.

Signature Waived.

Virginia, Lee County, to-wit:

I, Paul Dulaney, a Notary Public in and for the County of Lee and State of Virginia, certify that the foregoing deposition of W. B. Stidham was taken and sworn to before me at the time and place and for the purposes mentioned in the caption hereto annexed, and by agreement of the parties his signature thereto was waived.

Given under my hand ~~this~~ 13rd day of August, 1906.

Paul Dulaney

Notary Public.

American Association Inc.
vs. { Chancery
William Gibson et al

Filed Sept. 15. 1906.
H. C. T. Ewing
Clerk.

Dep. for W. B. J. Stephens

Notary's fee:
Three hours
$2.25
Pruett Flaney

The depositions of H. B. Crocket and Ephraim Crocketttaken on Aug. 27th, 1902 at the residence of said H. B. Crockett, known also as Harrison Crockett, in Lee County, Va. betwen the hours of 8 A.M. and 6 P.M. before me G. W. Dillman, Justice for Lee County, Va. ~~Had Myself~~, to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now depending in theCircuit Court of Lee County, Va, in which the American Association Incorporated is plaintiff and William Gibson and others are defendants, pursuant to the notice hereto annexed.

Present; B. H. Sewell and R. T. Irvine counsel for plaintiff and C. T. Duncan and J. H. S. Morrison counsel for all defendants except W. G. Colson and C. M. Colson.

H. B. Crockett being first duly sworn deposes as follows:

Q. 1. State your age accupation, place of residence and whose son you are.

ans. Age 71 last July. Accupation farmer. Residence Rose Hill, Lee County , Va. Son of Robert Crockett.

Q.2nDo you know the land in controversy in this cause, being a trat of land near Cumberland Gap, ~~Tenn.~~ in Lee County of 500 acres once owned or claimed by your father and known as the Martin Beaty tract adjoining the John Jones 1155 acre patent, the Fields 7080 acre patent and the Crockett 1000 acre patent, and if so state how long you have known it and where you lied in relation to it until about 1870.

Ans. Yes I know the land. I have known it ever since I was ten years old. I was born in Lee County about five miles from the land. About ten years afterards my father moved across the line in the edge of Tenn. about three and one-half miles from this land. I lied there with my father until I was about 17 or 18 years old. ~~age~~ we then moed about a mile nearer to said land and lived there two or three years. My father then moed back into Va. to the William G ibson place which was inside the tract of land . From

1856 the time I was 18 or 20 years old until I was nearly 25. I kept bachelors hall on the Jones 1155 acre tract near the five hundred acre tract where R. E. Crockett formally lived and where W. B. F. 1856 Stidham now lives at.as I am informed. I married when I was 25 years old and built the said Stidham house and lived there a year 1857 or two. I then moved to where I now live about 14 miles from said landand I have lived here ever since. My father continued to live downthere until during the war.

Q.3 Please state connectedly the facts as you know them about the possession of their land since you first knew it.

Ans. My father had posession of this landwhen I first knew it, and held posession till the war. He had several houses built on ~~the land~~ it and rented them out. He had about ~~five~~ 3 fields clearedand inside this survey, all the fields the woodland between them was all embraced in one fence He contracted and used the cleared land every year till during the war. I was not there during the war but once. At that time the fencing had been burnt up by the army. Since the war I do not know about the posession.

State whether or not he claimed during the whole of the time you hasmentioned all of said 500 acre tract?

Ans. Yes, He claimed the whole until he sold off a part to Dr. James Morrison and he then claimed the remainder ~~of the tract~~ after that.

Q. 6 From whom did your father get this land and state all you know about that.

Ans. He got it from Martin Beaty. He got a part of the Jones 1155 acre adjoining this land from Eliga Jones.

Q. 7 Were you ever on this 500 acre tract of land with your father and did you then hear him say how he got it?

I dont think I ever heard him say on this tract how he got it, but I heard him say on other places that he got it from Martin Beaty.

Q. 8 Please state if your father ever sold the iron ore from this land and if so to whom and when.

The foregoing question and any answer thereto is objected to because if said iron ore was sold there is better evidence of the fact.

Morrison & Duncan for part of Defts.

Ans. Yes, He sold it to Ruben Rose and Jahiel Fugate. Ruben Rose afterwards bought Fugate out.

Q. (I show you exhibit two with plaintiffs bill in this cause which is a copy of a deed from Robert Crockett and wife to Ruben Rose dated Nov. 25th, 1857. Can you state if the sale by your father was before that time and if so how long?

Ans. Yes, He sold it, the iron ore, sometime before that date. I don't know how long . I was by when the trade was made. They had made the deed for the forge and Tennessee land sometime before all the ore was bargained off when the forge was sold, but it was sometime before they came up into Virginia to make the deed for the Virginia ~~land~~ ore.. The Virginia deed had no money apid on it, but it did not need any for the Tennessee deed covered it and showed the considerations. Objected to because deeds refused to be the best evidence Duncan.

Q. 10/ You say you were present when your father sold the iron ore and the forge to Ruben Rose. Please state if he sold to Rose the ore on this 500 acre tract?

The foregoing question and any answer thereto is objected to as evidence because said sale of said iron ore lands and forge is in writing and said writing is the best evedence thereof.

Duncan & Morrison Attys.

Ans. He sold the ore to Rose on this 500 acre tract.

Q.11 Please state all the facts you may know about the working of the iron ore on this 500 acre tract.

Ans. When I can first reccollect Jess Cross mined ore fromthis tractfor Andrew Woodson who leased the forge and the iron ore from my father and was to give him half the profits. I was a small boy and went with a black man to haul ore. Hunter and Harrison

had worked it before I can recollect having leased it from my father. After Woodson, Newton Evans leased the forge and the ore and after him Hiram Sheller and my Brother R. E. Crocket leased it and worked the ore, then my father sold to Rose and Fugate as stated above and they worked it and Fugate sold out to Rose. He put his son George Rose to run it and afterwards George W. Rose got it himself whether he got by heirship or not I do not know, he run it up to the war, he had 900 wagon loads of ore lying there when the war came up. I saw a big pile and was told there was 900 wagon loads. The Rose furnace was not run after the war, but then Nuly and Sheller built a furnace at Cumberland Gap and leased it to Peyton and Swap and they tried to make iron there but did not run it long. They got ore from this tract of land, but I do not know under whom they got it. My team hauled ore from this 500 tract for George W. Rose to the amount of $200 or $300. Hauled about two months at $4.00 per day.

Q. 12. State whether the working of this ore was going on every year from the time you first knew the land to the war or not?

Ans. I think they were digging every year, there may have been a month or two at a time during crop time along when they was not at work, but they were working pretty much all the time.

Q. 13, Please state on what part or parts of this 500 acre tract the ore digging you have described was done.

Ans. It was done pretty much all over it in different places at what we call the flat bank the ore was best for bar iron at other places it made harder ironnearer like steel.

Q. 14 Did you know Martin Beaty, and if so state all you know about him?

Yes, I knew him. I was a small boy about ten years old. I never saw him more than twice. I went with my mother to Cumberland Gap riding behind her, Martin Beaty was keeping store there, he seemed about a middle aged man, but I dont reccollect much about him. I do not know what became of him. I know nothing about his family

This was theonly Martin Beaty I knew in this country.

Q. 15 Did you in early life know one Robert Beaty of this country?

Ans. The only one of this name I knew lived when I was a boy at Beaty's bridge near Walnut Hill in LeeCounty. I think he was ~~He~~ a brother of John M. Beaty.

Q. 16/ Please state the names and ages of your father's children Robert Crockett, and whether or not he left a will?

Ans. R.E.Crockett, born about 1823, Elizabeth born about 1825 married Newton Evans; Andwew Crockett born about 1827, Sarah Bales born about 1829. I am the next one James H. Crockett born about 1833, this is all. R. E. Crockett and Andrew Crockett and Sarah Bales is deadSarah Bales' husband was Jonathan Bales.

Q. 17. We now show you an agreement dated May 2nd, 1839 between Robert Crockett and William Woodson relativeto a divission line between them, and ask you if you know the line discribed therein and to state all you know about land and the ~~them~~ both and the agreement.

Ans. I know the land . I ~~contracted~~ cultivated my father's part of it. I was along when the line was run part of the way. I did not go all the way through. I was a small boy. Iheard them discuss the line and agree on it before they ran it.

Q. 18 Please file said agreement as a part of your deposition marked "exhibit "A".

Ans. I file the same marked as requested.

Q. 19 Plese state whehther William Woodson ever made any claim of owner ship to the 500 acre tract of land in his life time or any part thereof, and if so what?

He never did claim any. He cut about 75 trees off this land and my father made him pay ~~about~~ 75cts. a tree at Lee courthouse and then by suit gave him the money on his promise not to cut any more. This was a short time before the war.

Q. 2o. The deed from yourself to your brotherR.E.Crocket for your undivided interest in this landdoes not seem to reserve the iron ore. Please state if it was the intention of you and your said brother to so reserve said ore?

The foregoing question and the answer theretois objected to

because the deed speaks for itself, and is expressive of its interest, and oral evidence is not admissible either to vary or explain it or diminish or enlarge it. Duncan Atty.

Ans. My brother knew that there had been sold to Rose and so did I and we knew the ore did not pay and we did not intend for the to pay us.

Q.21 Please state any other fact you may know about Wm. Woodson not claiming the 500 acre tract.

Ans. Two or three years before the war my father was going to make some rails on this 500 acre tract of land and Wm. Woodson came to him and offered to cut down the chestnut oak trees that he needed for rails and cut off the rails, cuts for the tan bark on the trees, and my father agreed to this and Woodson did it. This was after my father had sued him and made him pay for the wood spoken of above

Cross Examination.

At the time your father contracted the iron ore on 500 acre survey as above stated by you to Ruben Rose, please state what all he sold?

ans. He sold the 4000 acre survey of land another known as the McCurry place inside the 4000 acre survey as I think and several other little tracts that he had bought inside of said boundery. He sold all the ore on the 500 acre survey and the 1000 acre survey.

Q.2 Are you not mistaken in reference to the sale of the iron ore on the 1000 acre ~~tract of land~~ survey. Did he not sell the 1000 acre tract of land and convey it in the same deed with the forge tract?

Ans. My father just sold the ore and not the land. He had sold the land off to Gibson and others but retained the ore.

Q. 3 Do you know the boundary lines of the 500 acre survey, if so please discribe them?

I don't know the boundary lines of the 500 acre survey.

Q. 4 Do the 500 acre and the 1000 acre survey adjoin each other?

Ans. I cannot tell whether the, do or not.

Q. 5 Did you ever know of Ruben Rose digging any ore on the 500

At this place in the taking of the depositions W. G. Colson appeared representing himself and C. M. Colson and agreed that the further answers of witnesses may be written by attorneys to which the other attorneys present agreed.

Re-direct Examination.

Did you ever help run any of this 600 acre tract.

Ans.-- Yes, I began near the burnt cabin in the west end of the tract and helped run a part of the north line next to the mountain.

Q.2-- Do you know approximatly the location of the remaining lines?

Ans. I could not go to the corners now except one, but I know about where they all were when I was a young man. I think I could go in four or five feet of the burnt cabin corner above described. This corner is near a little branch and not far from the road leading to Cumberland Gap. This survey of which I spoke was done a good while before the war.

Question One by W. G. COlson. How far west of the place where Wm. F. Gibson now lives did said corner stand(mentioned by you as being near the cabin).

Ans. One-half mile or more.

Q. 2.-- When did your father die, and where did he live when he died?

He died at Jop Bales's in Tennesseein 1865, Oct 17, in his 93rd year. Bales was his son-in-law.

And further this deponant saith not.

H. B. Crockett.

Also the deposition of Ephraim Crockett who being first duly sworn deposes as follows:

Q.1-- State your age, color and place of residence and occupation

Ans.-- I was 65 years old last May. A colored man. Reside about one mile from H. B. Crockett, who has first testified. Occupation Farmer.

Ans. I do not.

Q. 2-- Do you know the location or lines of the 1000 acre survey?

Ans. No sir.

Q. 3-- How long before the war was it that you hauled iron ore for the Roses?

Ans. I have no idea, I think I was about grown.

Q.4-- After passing the R.E Crockett house how did you go to get to the iron ore that you hauled for the Roses?

Ans. After passing the house I went up the branch, and then turned a little to the right, and then went up a spur pretty well to the top, and then came back a little different way.

Q.5-- Was this ore that you hauled on the mountain side or on the ridge side of the little valley.

Ans. It was on the side of the ridge facing the mountain. It was not on the mountain, but on the south side of the ridge.

Q. 6— Where wasthe ore got that you speak of hauling from near where Wm. Gibson now lives.

Ans.-- It was up back of Wm. Gibson's. We went along the road passing the place and then turned to the right up a hollow and on to a spur.

Q/7-- Did you ever haul ore for your master old Robert Crockett?

Ans. No sir.

Q.8-- From which side of Station Creek did you get the ore that was hauled by the R.E.Crockett place.

Ans. I went right up Station Creek for a distance, and when I left the creek I left it on my right.

Q. 9-- Who was living at the R.E.Crockett place when you did this hauling.

Ans.-- Harrison Crockett was living there keeping Bacholor's Hall.

Re-direct Examination.

Q.1-- We forgot to ask you this. You stated in direct examinationh that the Crockett furnace sometimes would not run for a year ~~or more~~, and not for shortr periods at others. State whether the forge or furnace

one or the other
was running practiaally all the time or not.

Ans. I don't think they were all the time. I can't recollect exactly, but I think sometimes they would both be idle.

Q. 2-- Was ore digging stopped any or was it going on pretty much all the time?

Ans. Sometimes it would be stopped a whilesometimes the man digging would stop to make a crop and some times they would not. If the forge or furnace was running in crop timethe man digging would dig enough in two or three dys to run the wagon a week. There was always ore there when I went after it with the wagon.

Q. 3-- Where you got this ore was it in a regular ridge parallel with the Mt, or just a spur of the mountain.

Ans. I don't recollect hardly, it was sort of like the Poor Valley ridge. Spur like

Q. 6 When was Harrison Crockett Married?

Ans. I have just heard the record read it is Nov. 11, 1856.

Ans further this deponant saith not.

Ephriam Crockett.

Virginia, Lee County to-wit:

I, Geo. W. Dillman a justice of the peace in and for the county aforesaid in the state of Virginia certify that the foregoing depositions of H. B. Crockett and Ephriam Crockett were taken, subscribed and sworn to before me at the time and place and for the purposes mentioned in the caption hereto annexed, and I further certify that the attorneys in the case agreed in my presence that the depositions should be filed here with the papers instead of being mailed to the clerk.

Given under my hand this August 27", 1902.

G. W. Dillman, J. P.

Justice for six hours at 75 cts. per hour	$4.00
Two witnesses attendance 50 cts. each.	1.00
	$5.00

Paid by plaintiff. G. W. Dillman, J.P.

Read

American Association
Incorporated

vs } Depos. Copy ✓

Wm Gibson et als.

Filed Aug 28" 1902.

H. B. Crockett.
Ephraim Crockett.

Is this a duplicate?

The depositions of J. D. Templin, John M. Crockett, and John R. Cadle, taken before me, W. C. Sleet, a Notary Public in and for the County of Bell, and State of Kentucky, at the office of George W. Easton, Attorney at law, in Middlesborough, Kentucky, in said County, on the 13th day of February, 1903, to be read in evidence on behalf of the plaintiff, in a certain suit in Chancery now pending in the Circuit Court of Lee County, Virginia, wherein the American Association Incorporated is plaintiff, and William Gibson and others are defendants; taken pursuant to agreement of counsel, and likewise pursuant to adjournment from Jonesville, Virginia, at the office of B. H. Sewell, on the 5th day of February, 1903. Present, B.H.Sewell and R.T.Irvine, and G. W. Easton, counsel for plaintiff, and C.T. Duncan, counsel for all the defendants except W. G. Colson.

J. D. Templin being first duly sworn, deposes as follows:

Q. 1. Please state your age, occupation and place of residence.

A. 46 years old; residence in Claiborne County,Tennessee; Superintendent of the American Association Incorporated's lands and timber. Prior to January 1st, 1903, I was Land Agent for said Company, beginning with January the 1st, 1894.

Q.2. Do you know the tract of iron ore in controversy in this suit.

A. I know it in a general way. I never saw it surveyed.

Q.3. State what you know about the possession of said iron ore, and claim of right and title thereto, since you became connected with the plaintiff in 1894.

So much of the foregoing question as seeks an answer of the claim of the plaintiffs to this land is objected to, if that assertion of claim is not connected with the actual possession. C.T.Duncan,for certain of the defendants .

A. The only thing that I know about it, I went by the maps

and papers of the Company, and looked upon it as their property. I don't know of any work being done on it until the defendants in this suit did the work which is mentioned in the Bill in this case. That was the first work I ever knew to be done on it, in the way of moving ore. I never heard any adverse claim until about 2 years ago, about the ore right, except what Colson claimed in there, and he set up claim in another suit by which he asserted title to certain lands there, though the land was not in dispute in that suit, but only the timber; he never asserted any right to ore. This timber, however, was on the East of this 500 acre tract of land, and on the western end of the 1000 acre Crockett tract of land.

Q. 4. State whether or not your Company paid taxes on this ore since you have been connected with the Company.

This question and the answere thereto, is objected to as evidence unless the same is accompanied by the assessment for taxation, or the tax tickets showing said payments of taxes.

A. The taxes were not paid by me, but my understanding was that they were paid by this Company.

Q.5. State whether or not during that period, your Company, through its officers or agents, at various times, showed up this ore to third parties on the ground, making open and notorious claims of title thereto.

X.

The foregoing question and answer thereto is objected to because immaterial, irrelevant, and inadmissible.

A. We ascertained our claim by our maps. We had several applications to lease the ore. We refused to lease it at the time; two or three times I think we had a chance to lease. I never took any

parties there for the express purpose of showing them.

Q.6. State whether or not the defendants in this suit had any contract with your Company to get ore from that tract of ore, prior to the institution of this suit.

A. No sir, there was no contract with this Company for anyone to remove ore from this tract, to my knowledge. If there had been any contract, I would have known it.

Q.7. Please state the facts as known to you, about the defendants getting ore from this ~~x~~ tract, when it begun, by whom done, and to what extent.

A. Sometime in the early part of 1901. George Morison had a contract from this Company to get ore around the Gap there; he had some written contracts, and then verbal; I think Mr. Easton and myself gave him permission to get ore anywhere around the Gap there. I got into a conversation with George Morison one day, sometime in the early part of 1901, and he said that that ore was off of the Morison's property, and I had been under the impression all the time before that that he was turning in all his ore to this Company that he was mining there around the Gap. It looked to me that there had been considerable mined off of that property, at that time, but I had not paid much attention to it. And still a short time after that, I found that he was buying ore from W. G. Gibson, Vincent Carminy, and W. B. Stidham. They were then working on it. It was sometime after that Morison told me - I asked him why, and he said thosd people had set up claim for the iron ore - that they had found some paper, or some deed, or something that they believed it was their ore, and it went on for sometime after that before I knew what kind of shape our title was in, before suit was brought. We did not bring the suit hurredly, but it went on some time until suit was brought. I think I instructed a letter written to Mr. Sewell there, to look up the title, and it was some time after that

before suit was brought, and they mined ore right along during that time. I got this information from Mr. George Morison about the ore digging. I went up on the property, and saw Stidham at work, but those other parties the day I went up, were not working, but they admitted that they had taken some ore, and they thought it was their ore. George Morinson claimed the ore on the western end of the tract, under the heirs of his father.

Q.8. Are the defendants in this suit, William Morison, J.H. S. Morison, George P. Morison, and Minnie Richmond, residents of Virginia, or not?

A. They are not; they live in Tennessee.

Q.9. State whether or not the defendants in this case began the mining you have described with the knowledge and consent of your Company.

A. No sir, they did not.

And further deponent sayeth not.

Signature waived.

Also the deposition of John M. Crockett, who being first duly sworn, deposes as follows:

Q. 1. State your age, occupation, and place of residence.

A. 46 years old; farmer; Shawanee, Claiborne County,Tennessee.

Q.2. Who was your father?

A. R. E. Crockett.

Q.3. Was he the son of Robert Crockett?

Q.4. Do you know the tract of iron ore in dispute in this cause, being the ore on 500 acres known as the Beaty patent, once owned by your grandfather?

A. Yes sir.

Q.5. We show you a map of said property, made by L.M.Carmichael, and filed in this cause with his report, and show you the beginning corner of said patent at two white oaks and a pine on the Fields line. Do you know this corner?

A. Yes sir.

Q.5. Did you ever help run this 500 acre tract of land?

A. Well, I have carried the chain on it, and I have helped survey all the division line inside of the patent as it was divided up among the heirs. I have also carried the chain on thetract East of said 500 acre tract, known as the Crockett 1000 acre tract, and also on a part of the John Jones 1155 acre survey, and a part of the 3000 acre Jones survey.

Q.6. Did you ever live on this 500 acre tract of land?

A. Why, I was raised there on the tract marked on the map

R. E. Crockett. My father lived at the house now known as the Stidham house, and formerly occupied by Harrison Crockett, my uncle. The dwelling house is south of the south line of said 500 acre survey, and on the John Jones 1155 acre survey.

Q.7. Have you ever seen any iron ore dug on this land, or where old diggings were? If so, state what you know about these matters.

A. Well, Lon Wilker opened it up there; it was either in the year 1887 or 1888. He opened it up right above where Stidham lives there in the hollow, and also all along out where William Gibson lives, and then he opened it up on the East end of the survey and on the 1000 acre survey.

Q.8. Did he mine any ore?

A. Well, he just opened it into the face of it, examined it; I believe in one place he got out 7 or 8 tons.

Q.9. Who else, if any one, was with Lon Wilker?

A. He was the man that employed the hands. I cannot say definitely who the hands were he employed to open it up.

Q. 10. We ask you if his brother Frank Wilker was not also engaged in it?

A. He may have been at the time. As well as I recollect, one would be out with the hands one day and the next, another. They both boarded at Dr. Morrison's at Cumberland Gap, and boarded their hands out there and opened up the ore.

Q.11. For whom were they doing this work?

A. Well, I don't know as I ever heard who? I suppose for the Company, I don't know.

Q.12. What Company do you refer to?

A. Well, I suppose it was for this American Association Company.

So much of the answer to the last question as contains the supposition of the witness, is objected to for any purpose.

Q.13. State how far on the Western end of this tract, toward Cumberland Gap, the Wilkers opened the ore.

A. Well, I think they opened it up all along the vein, may be down to the Gap. I think the farthest opening west I knew them to make, was here at the little tunnel on the L & N R R .

Q.14. Is the Little Tunnel you refer to on this property, or west of it?

A. It is just beyond Cumberland Gap in the Poor Valley Ridge; it goes through to Harrogate. The little tunnel is on the American Association property, but not on this tract; it is west of this tract.

Q.15. Please refer again to the map referred to above, and state, if you can, what different shares, as shown on this map , the said Wilkers made said openings on.

A. They made openings on the R. E. Crockett share, the Martin Thompson share, and the original Morison tract, and also on the smaller share deeded to Morison by A.L.Pridemore.

Q.16. State whether or not the different Crockett heirs, who owned the shares of land you have referred to, in 1887 or 1888, and those who claimed under them at that time, including the Morisons, knew about this work that was done by the Wilkers.

A. My father lived there, and owned his two shares; he knew of it. Jonathan Bales and wife owned the Martin Thompson share. I do not know whether they knew about it or not. I suppose the Morisons knew about it, as the men boarded with them who did the opening.

Q.17. State whether or not any ~~options~~ objections were made by any of the parties, who owned the surface of this land, at the time the openings were being made.

A. No sir, I never heard of any.

Q.18. State who claimed this iron ore in your earliest recollection.

A. George Rose.

Q.19. How long did he claim it, and who next claimed it?

A. Well, the next permanent claim I ever heard established to it, was that of the American Association. I suppose he claimed it ever since my recollection, up to the year about 1886 or 1887. The land was sold and conveyed before that time, but I do not know exactly the parties it was sold to.

Q.20. State whether or not you ever knew of the Morison heirs , or any of the parties who claimed the surveys under your grandfather's heirs, claiming the ore under this tract of land until the controversy in the present suit arose.

A. No sir, not until about three years back.

Q.21.We will ask you if you know a beech tree that was on the division line between William Woodson and your grandfather, and if so, where was this beech located with reference to where your father, R. E. Crockett lived.

A. Yes sir; it is East of where my father lived, about half a mile, a short half mile.

Q.22. Do you know how the division line ran from that beech tree?

A. The beech tree was in the East line of the Crockett farm, it is a line of the Elizabeth Evans tract, now owned by W. G. Colson. The tree stands on the map on the John Jones line, or close to it. The line ran from the beech North crossing the Poor Valley Ridge.

Q.23. State whether or not you ever helped run this line when William Woodson, or any one claiming under him was present, and if so, state the facts about that.

A.
Q.24. I carried the chain on it for Judge Young. He was running out that Woodson tract. It was pointing on that line from the beech.

Q.24. What was the occasion of his running it out?

A. I suppose he wanted to know the number of acres. It was after the old man Woodson's death; it was willed to his wife.

Q.25. State whether or not Judge Young made any objection to that location of this line, as his western boundary line.

A. No sir, I do not think he did.

Q.26. Who was doing the surveying?

A. My father.

Q.27. Do you know where some old ore diggings were near where that line would run, which ore diggings are up the Station Creek from where your father lived, to the northeast?

A. Yes sir, there was ore dug there by my grandfather, and by Rose. It was said to have been there.

That part of the answer which tells by whom these diggings were said to have been made is objected to because hearsay.

Q.28. Please state how this line running northward from the beech crossed those diggings, that is how much of the diggings were east of said line, and how much west, if you know?

A. The line I have referred to running North from the Beech, stops at the North line of the John Jones survey, which is the south line of the Crockett 1000 acre tract, near where a chestnut is marked on the map before referred to. I never did survey from said chestnut on to the two white oaks and pine on the Fields line, but I have carried the chain on the line from said chestnut west to the point B4" on the map, which is a gum and black oak, and from there we ran to "A3" on the map, which is the two white oaks and pine. There is a lap in there between the 1000 acre tract, and the 500 acre tract. The line "B4" which is the gum and black oak, to A3, the two white oaks and pine, runs through the ore diggings, and part of said diggings are west and a part east of said line.

Q.29. Please state the extent of those old ore diggings, as you have observed them, through this 500 acre tract, from the West end to the East end.

A. About two miles. They go plum through it from one end to the other, and on into the 1000 acre tract.

CROSS EXAMINATION.

Q.1. You say that you saw appearances of the digging of iron ore through the entire 500 acre tract. When did you first see these appearances, the digging of iron ores through that tract?

A. As far back as I can recollect.

Q.2. How long back? can you recollect?

A. Well, I can recollect 20 years very well.

Q. 3. What were the appearances of those diggings then? Did they then appear to be old or fresh?

A. They appeared to be old; they appeared to be done a right smart while.

Q.4. Please describe the places at which you saw these appearances of iron ore having been dug on said tract of land?

A. Well sir, will say on every spur of the mountain, all the way through it.

Q.5. Do you know by whom, or when, this iron ore was dug, at these places?

A. Only as my father told me.

Q.6. I will ask you to state, as accurately as you can, what year it was that Wilker made the openings that you have spoken of above.

A. Well sir, to the best of my knowledge it was 1887.

Q.7. What time of the year was it that he made these openings?

A. Well, I think it was in the summer season, spring or summer I will put it.

Q. 8. Was Mr. Morison then living or dead?

A. Dr. Morison, to the best of my knowledge, was dead then. I was working there at the same time on Morison's house, building a porch, while the Wilkers were boarding there.

Q.9. At the time these openings were made that you speak of, by the Wilkers, where were you living?

A. I was living right there at my father's, on the place there, in a house right up close to where the Mines were.

Q.10. What was done with the iron ore, if anything, that the Wilkers raised?

A It was just laid there at the mouth of the hole where they dug it out. The last I knew of it it was laying there.

Q.11. Do you know for what purpose those openings were made?

A. No, I do not know for what purpose they were made.

Q.12. As I understand you, you stated that in your earliest recollection, George Rose claimed iron ore on this tract of land. Where was he, and what was he doing when he asserted this claim.

A. Why, he lifed there at the Forge place; he was farming I suppose.

Q.13. At that time was he engaged in themanufacture of iron, or in the mining of iron ore?

A. No sir.

Q.14. How came him to be talking about the iron ore on this tract of land?

A. Well, I don't know as I heard Rose, anyhow, claim it . He would go up there and work. My father told me it was Rose's.

The latter part of the answer, in which the witness told what his father sais, is objected to, because not responsive in anyway to the question, and because it is hearsay.

Q.15. What year was it that you heard George Rose assert a

claim to this iron ore?

A. I don't know as I have heard Rose assert a claim to it. The iron ore was not at that time noticed; he was noticing old man Woodson to keep him off of his timber.

Q.16. That referred, did it not, to the 1000 acre survey, and not to the 500 acre survey?

A. It referred to the 1000 acre survey, on the East end, as to the timber.

Q.17. Did you ever hear Rose in your life set up any claim to the iron ore? on the 500 acre tract of land?

A. Never heard him personally; all I know is what my father told me. That is what I have been informed ever since I was big enough to know anything, that it belonged to George Rose, and all necessary roads to and from the mines, and all necessary timber for mining purposes.

Q.18. Now, how long back can you remember? Put that just as accurate now, as you can.

A. Well, I put it back 24 years. I know I can remember that far back. I will be safe at that, I am 46 years old.

Q.19. Can't you remember beyond the period when you were 22 years old?

A. I might, but not definitely.

Q.20. Can you remember when a part of his 500 acre survey was sold by order of the Court, and purchased by Dr. Morison?

A. Yes sir.

Q.21. Well, was the time when you heard that George Rose owned the iron ore on this land, before Dr. Morisson purchased, or after?

A. After Dr. Morison's purchase plum on up till my father was paralyzed, 8 or 9 years ago.

Q.22. Then, if I understand you, you never did hear that George Rose owned the iron ore on this land, or any part of it, until after Dr. Morison made the purchase?

A. Yes sir, I heard it before that.

Q.23. Do you know when Reuben Rose died?

A. No sir.

Q.24. Do you know where W. G. Gibson now lives?

A. Yes sir, I do. I don't know the initials of his name. Yes, I know where Bill-ie Gibson lives.

Q.25. Did you ever see any old opening of iron ore on the 500 acre tract of land, west of Billie Gibson's house.

A. Yes sir.

Q.26. Please state at what point you saw that opening, and when you saw it?

A. Well it was along there from the top of the Poor Valley Ridge where the road crosses leading eastward from Cumberland Gap; then on East by Billie Gibson's house, on the spur beyond his house, and on each side of his house. I have seen those openings there ever since I was big enough to carry a gun up till two or three years ago. They put in new diggings and destroyed the old.

RE DIRECT EXAMINATION.

Q.1. You have stated in your cross examination, that your father had told you that the ore under the land was Rose's. Please

state if it is not a fact that it was generally known and stated in that entire neighborhood, that the ore belonged to Rose.

The foregoing question and any answer thereto is objected to because hearsay, or general statements in the neighborhood does not pass title to land.

A. It was always my understanding that the ore belonged to Rose.

Q.2. Our question was whether or not this claim by Rose was not notorious, open and well known, and well recognized by all people in the community?

Objected to for the same reasons as stated above.

A. Yes sir, it was.

Q.3. Please state if you do not remember the fact with regard to this matter, as you have outlined in a general way since your boyhood, say since you were 10 or 12 years of age.

A. Yes sir. We moved to that place from Ewing, in Lee County, Virginia, in the Spring the second year after the surrender, and I was then big enough to go out and hunt the cows and bring them home from as far as Frank Gibson's, about 14 miles.

RE CROSS EXAMINATION.

Q.4. You said that from as early as you can recollect, it was generally known in that neighborhood, that that iron ore belonged to George Rose. Who did you ever hear except your father, say that the iron ore belonged to George Rose?

A. Well, it was generally talked among all the old citizens of the country.

Q. 5. Well now, if it was the general talk among all the citizens, tell me who you heard say it?

A. Well, I heard Uncle Andy Crockett, who is dead and gone; and uncle Harrison Crockett.

Q.6. Are these all the persons you ever heard mention it?

A. Well, that is all I recollect at the present.

Q.7. Where was Harrison Crockett at the time you heard him mention it?

A. Well, I have heard him mention same several times. I could not state definitely where he was; I have heard the talk between him and the old man.

Q.8. Where was Andy Crockett at the time you heard him mention it?

A. He was on his share of land, that is now owned by Colson.

Q.9. When was it you heard Andrew Crockett speak of it, how long ago?

A. Well, it has been several years back; I don't recollect definitely the time.

Q.10. How long do you think it has been since you heard Andrew Crockett speak of it?

Q.11. Well, I don't know exactly how long it is, or how long he has been dead. I took no note at the time; I was nothing but a small boy, 12 or 14 years old.

Q.12. Did you hear Andrew Crockett tell of it before the land was partitioned or afterwards?

A. After the land was partitioned, divided.

Q.13. When did you hear Harrison Crockett speak of it?

A. Well, it has been sometime back; it may have been 10 or 12 years, or 15 years back.

Q.14. What was the occasion of Harrison Crockett speaking of it, and did he then have any interest in the land?

A. No sir. He was speaking to my father about what he could get for the land if the mineral right had not been sold off of it.

Q.15. Did Harrison Crockett sell to your father?

A. Well, that has always been my understanding.

Q.16. When Harrison Crockett sold to your father, did he reserve the iron ore on this land or not?

A. I don't know.

And further deponent sayeth not.

Signature waived.

Witness claims 50c. Paid by American Association Incorporated.

Also the deposition of John R. Cadle, who being first duly sworn, deposes as follows:

Q.1. Please state your age, occupation, and place of residence.

A. Well, I am going on 65 now, I was born in 1838, Sept.8th. I live back here about a mile from Shawanee, Claiborne County,Tenn. I am a farmer.

Q.2. Where were you born and raised?

A. I was born in Lee County, Virginia, about 6 miles East of Cumberland Gap, but raised mostly in Claiborne County,Tennessee, just along the line. I never lived very far from the line.

Q.3. Do you know the 500 acre tract of minerals in controversy in this cause, being tract known as the old Beaty or Robert Crockett tract of ore, that at one time is claimed to have been sold to Reuben Rose?

A. Well, I know where the ore is, but as for the land, where the lines are, I do not understand them. I know where the ores are.

Q.4. Did you ever do any work on that tract of land, in connection with the ore business? If so, state what you did.

A. Yes sir, I have cleaned out roads for George Rose's teams to get up to the ore banks.

Q. 5. When was this?

A. Well,that was along before the War; when I commenced work at the Forge. I worked there 4 years before the war.

Q.6. At what points on that land did you make these roads?

A. Well, along up the little hollows, along where Squire R.E. Crockett lived in these hollows there to the mines.

Q.7. State whether or not you know where Chad Pridemore and William Gibson now live.

A. Yes, I know where they live.

Q.8. Did you ever clean out any roads in the hollows near where William Gibson now lives?

A. Yes sir; I cleaned out roads this side of Billie Gibson's, which runs up in that hollow where a field now is.

Q. 9. Did you ever clean any roads in the hollows near where Chad Pridemore now lives.

A. No sir, I never cleaned any in that hollow.

Q.10. About how many roads in all did you clean out for George Rose's teams, on this land?

A. Well, as well as I recollect I cleaned out about 3, about 3 roads.

Q.11. State whether or not George Rose's teams hauled ore over the roads you cleaned out.

A. Yes sir, they did.

Q.12. What became of the ore?

A. Well, we worked it there in the Forge or furnace there at Roses.

Q.13. Did you work at the Forge for George Rose? If so, how long?

A. I worked there in the Forge, I reckon, off and on, for about 2 years.

Q. 14. How old were you when you can first recollect any ore digging on this land, if you recollect any?

A. I was about 20 years old before I recollect anything about that ore digging.

Q.15. Who was digging ore there in your first memory?

A. My first memory is that it was Jeff Cross.

Q.16. For whom was he digging?

A. He was digging for Newt Evans, and then I recollect he was digging for George Rose.

Q.17. How long did the digging continue?

A. It continued up until the War; then everything shut down.

Q.18 Please state where this digging was done in this tract of land?

A. All along the ridge. I did not exactly pay any attention what tract it was on. It was all along from where the State road crosses the Poor Valley Ridge, near Cumberland Gap, on East.

Q.19. Do you remember Frank and Lon Wilker digging ore on that land? If so, about what year was it?

A. Well, I declare I don't exactly know about what year it was; I don't want to state anything I don't know anything about. It must have been along about 1887, or along there somewhere. I could tell in a minute if I was at home.

Q.20. Where were you living at that time?

A. I was living on a farm, called at that time the Graham farm, across the Poor Valley Ridge.

Q.21. Where were you boarding?

A. I was boarding at Morison's at that time I was working there.

Q.22. Was that in the lifetime of Dr. Morison, or after his death?

A. It was after his death.

Q.23. Where did the Wilkers board while they were having that work done?

A. They were boarding at the same place, the Widow Morisons.

Q.24. How many men did the Wilkers have at work for them?

A. I don't know. I was making a crop for the Widow Morison. As forhis hands, I don't know how many he did have.

Q.25. Do you know ~~if~~ for whom the Wilkers were doing that work?

A. Well I don't know. I suppose they were at work for the American Association. Wilker claimed to be Superintendent for the American Association; I reckon he was.

So much of the foregoing answer as undertakes to state the supposition of the witness, or the claim of Wilker, is objected to because inadmissible, and because hearsay.

Q.26. State whether or not you ever knew of any one claiming the ore under that land, except Robert Crockett, Reuben Rose, and those claiming under them, until this present litigation sprang up.

A. No sir, I never did.

Q.27. Did you ever work for William Woodson, Sr.?

A. Yes, I have worked some for him.

Q.28. While you were working for him, state whether or not on any occasion, George Rose pointed out to you the division between him and William Woodson; and if so, state what the occasion was, and what he showed you.

A. Old Bill Woodson ~~xxxx xx~~ sent me to a big white oak tree to cut it down, to make boards of. George Rose was going then up about his ore banks, and he heard the tree falling, and he rode up to me, and said: "John, whose tree is this you cut"; and I says: "I reckon it is old Billie Woodson's; he sent me here to cut it". And Rose says: "It is not his; it is my tree, and you let it lay there". And he got down and hitched his horse and told me: "I will show you the line"; and he took me and showed me some marked timber there; first was a white oak, and the next was a spruce pine, and that is as far as he went with me; and also he notified me not to cut any timber across that line.

Q.29. Can you locate that line with reference to where Squire Langford now lives?

A. That was West of Squire Langford's house.

Q.30. How did the line run?

A. It ran East and West.

Q.31. Did you report this to William Woodson?

A. I did.

Q.32. What did he say?

A. He never said one thing, just walked off.

Q.33. Did he ever have the tree cut up after that?

A/ If he ever did I do not know it.

Q.24. About what year was that?

A. Why, that was about the year of1869, I think.

Q.25. About how long did the Wilkers work?

A. Well, I suppose they worked about a month; maybe a little longer, I could not tell.

Q.26. Do you know how far East the Wilkers opened up ore from where the State road near Cumberland Gap, crosses Poor Valley Ridge?

A. No sir, I do not know exactly how far it was, but I have been squirrel hunting around and could see piles of ore thrown around on the ground.

CROSS EXAMINATION.

Q.1. What were the Wilkersdoing, were they mining ore?

A/ They were prospecting along, looking to see where the ore was at.

Q.2. Where did the Wilkers make openings?

A. They made them several places along the ridge there.

Q.3. Did they make a single opening on the 500 acre survey. If so, please tell where that opening was.

A. Well sir, I don't know anything about these lands; if I knew I could answer your question.

Q.4. You said in one of the answers to one of the questions propounded to you in your examination in chief, that you worked for George Rose in the opening of roads, and at the furnace and foundry before the War. Please state what year you commenced work for George Rose.

A. I reckon I commenced there in the forge and furnace about 1868.

Q.5. What year was it that you cut the roads for him?

A. Well, I could not exactly tell you what year.

Q.6. Is that furnace and forge still at work there now?

A. No sir.

Q.7. When did it cease work?

A. It ceased work in 1862.

Q.8. Has it ever worked any since 1862?

A. No sir.

Q.9. Did you know Reuben Rose, the father of George Rose?

A. Yes sir, I knew him.

Q. 10. Is Reuben Rose or George Rose, either one, now running a furnace at the place where the old Crockett furnace was located?

A. No sir.

Q.11. Have they run any such furnace or foundry there since 1862?

A. No sir. They are both dead.

Q.12. Is there anybody under them running the furnace or forge at that place.

The last two questions and answers are objected to as immaterial.

Q.13. Did you know Robert Crockett.

A. Yes sir, I did.

Q.14. Where was Robert Crockett living at the time you worked for George Rose in cutting roads to get to this iron ore?

A. I think he lived then where Billie Gibson now lives.

Q. Can you tell me what year he went to live in the house where Billie Gibson now lives?

A. No sir.

And further this deponent sayeth not.

Signature waived.

Witness claims 50¢ , paid by the plaintiff,

State of Kentucky, :
: To-wit:
County of Bell. :

I, W. C. Sleet, a notary public for the county and state aforesaid, do hereby certify that the foregoing depositions of J.D. Templin, John M. Crockett, and John R. Cadle, were duly taken, sworn to, and their signatures thereto waived, by agreement of the parties by their counsel, before me, at the time and place, and for the purpose in the caption hereto mentioned.

Given under my hand and notarial seal this the 13th day of February, 1903.

My Commission Expires March 3, 1904

W. C. Sleet
NOTARY PUBLIC BELL CO., KY.

N.P.

Notary fee 2.50

American Association Inc.

v.

[illegible]. Gibson and others.

[illegible]

Depositions of:

J. [illegible]. Templin.
John [illegible]. Crockett.
John [illegible] Cadle.

Recieved by mail addressed to B. H. Sewell which was double sealed and handed to me and I opened the same and found them in good conditioned and filed the same this the 24th day of Feby 1903.

A. B. Munsey Clerk

The depositions of H.B. Crockett and Ephraim Crockett taken on August 27th 1902 at the residence of said H.B. Crockett, known also as Harrison Crockett, in Lee County, Va between the hours of 8 A.M. before me G.W. Dillman, Justice for Lee County, Va and 6 P.M. to be read in evidence on behalf of the plaintiff in a certain suit in chancery now depending in the circuit court of Lee County, Va in which the American Association Incorporated is plaintiff and Wm Gibson and others are defendants, pursuant to the notice hereto annexed.

Present B.H. Sewell and R.T. Irvine counsel for Plaintiff and C.T. Duncan and J.H.S. Morison counsel for all defendants except W.G. Colson and C.M. Colson

H.B. Crockett being first duly sworn deposes as follows:

Q 1- State your age, occupation, place of residence and whose son you are.

ans Age 71 last July occupation farmer Residence Rose Hill Lee county Va Son of Robert Crockett

Q 2. Do you know the ~~tract~~ land in controversy in this cause, being a tract of land near Cumberland Gap in Lee County of 500 acres once owned or claimed by your father + known as the Martin Beaty Tract, adjoining the Julian Jones 1155 acre patent, the Fields 7080 acre patent and the ~~Robert~~ Crockett 1000 acres patent, and if so state how long you have known it + where you lived in relation to it until about 1870.

Ans yes I know the Land I have known it ever since I was Ten years old I was Born in Lee county about five Miles from the Land. about Two years afterwards my father moved across the line in to the edge of Tennesse about three and a half Miles from This Land. I lived there with my father Till I was 17 or 18 years old me the moved about a mile nearer to said Land and lived there 2 or 3 years. my father then moved Back into Va to the Wm Gibson Place which was inside of This tract of Land from the time I was 18 or 20 years old

untill I was nearly 25 I kept Back
Lershall on the Jones 1155 acre tract
near the 500 acre tract where R E
Crockett formerly lived and where
W. B. F. Stidham now lives as I
am informed. I Maired when I
was 25 years old and built the said
Stidham House and lived there
a year or two and I then moved
to where I now live about 14 miles
from said land and I have lived
here ever since my father contin
ued to live Down thereuntill
Lowering the war

Q 3 Please state connectedly the facts as
you know them about the possession
of this land since you first knew it.

Ans. my father had possession of this Land
when I first new it and held possession
till the war he had several Houses
Built on it and Rented them out he
had about 3 fields cleared inside this
Survey all the fields and the woodland
between them was all embraced in
one fence he cultivated and used
the cleared land every year till
Lowering the war I was not there

knowing the last time at that time the fencing had been burnt up by the enemy since the war I do not know about the possession

Q 5 State whether ~~to~~ or not he claimed ~~as~~ during the whole of the time you have mentioned all of said 500 acre tract?

Ans. yes he claimed the whole until he sold off a part to Dr James Marrison and he then claimed the remainder after that

Q 6 From whom did your father get this land and state all you know about that.

Ans. he got it from Martin Beaty he got a part of the James 1155 acres adjoining this land from Elizabeth James

Q 7. Were you ever on this 500 acre tract of land with your father & did you then hear him say how he got it?

Ans. I don't think I ever heard him say on this tract how he got it but I heard him say at other places that he got it from Martin Beaty

Q 8. Please state to if your father ever

5

sold the iron ore from this land
and if so to whom and when.

The foregoing question and any
answer thereto is objected to, because
if said Iron ore was sold there is
better evidence of the fact.

Morison & Duncan for
Port of Defts.

ans. yes he sold it to Reuben Rose and
Gabriel Fougate Reuben Rose afterwards
Daught Fougate ant

Q 9. I show you Exhibit 2 with Plaintiffs bill in this cause which is copy of a deed from Robt Crockett and wife to Reuben Rose dated Nov 20th - 1857. Can you state if the sale by your father was before that time if so how long?

ans. yes he sold it the same same time
before that Date I dont know how
long I was by when the trade was
made they had Made the deed for the
Fouge and Tennessee land same time
before all the ore was bargained
off when the Fouge was sold but
it was same time before they
came up into Va to make the
deed for the Va ore

the Va Lease had no money Paid in it but it did not need any for the Penn Lease covered it and shared the consideration

Q 10 You say you were present when your father sold the iron ore and the forge to Reuben Rose, please state if he sold to Rose the ore on this 500 acre tract:

The foregoing question and my answer thereto is objected to as evidence because said sale of said Iron Ore lands and forge is in writing and said writing is the best evidence thereof.

Duncan & Morrison
Attys D.

ans he sold the ore to Rose on this ~~500 acre~~ tract

Q 11 Please state all the facts you may know about the working of the iron ore on this 500 acre tract.

ans when I can first recollect Jesse Cassmined ore from this tract for Anderson Maddox who leased the forge and the iron ore from my father and was to

give him half the Profits I was
a Small Boy and went with a
Black man to haul are Hunter
and Hairson had worked it before
I can recolect having leased it
from my father after Wadson
Newton Evens leased the Forge
and the ore and after him Hiram
Heller and my Brother R E
Crockett leased it and worked
the ore the my father sold to
Rose and Fugate as stated above
and they worked it and Fugate
sold out to Rose ~~after~~ he put his
son George Rose to run it
and afterwards George W Rose got
it himself whether he got by
hierspif or not I too not know
he run it upto the war he had
9 hundred wagon loads of ore
laying there when the war came
up I saw a big pile and was
told there was 900 wagons loads
~~aft~~ the Rose furnice was not Run
after the war but then Newby
and ~~Payton~~ Heller Built a furnice at
Cumberland Gap and leased it to

Peyton and Snap and they tried to make iron there but did not pun it long they got ore from this tract of land but I do not know under whome the got it my team hauled ore from this 500 tract for George M Rose to the amount of $200 or $300 hauled bout 2 months at $400 per day

Q12 State whether the working of this ore was going on every year from the time you first knew the land to the war or not.

ans I think they was digging every year there may have been one month or two at a time during crop time along when they was not not at work but they were working pretty much all the time

Q13 Please state on what part, or parts, of this 500 acre tract the ore-digging you have described was done.

ans. it was done pretty much all over it in different places at what we call the flat Bank the ore was best for Bar iron at other places it made harder iron nearer like steel

9 Q14 Did you know Martin Beaty and if so state all you know about him?

Ans. yes I knew him I was a small Boy about 10 years old I never saw him more than twice I went with my mother to Cumberland Gap riding behind her Martin Beaty was keeping stare there he seemed about a Middle aged man but I I cant recited much about that I do not know what became of him I know nothing about his Family this was the only Martin Beaty I knew in this county

Q15 Did you in early life know one Robert Beaty of this county.

ans the only one of this name I knew lived when I was a Boy at Beaty Bridge near Walnut Hill in Lee county I think he was a Brother of John M Beaty

Q16 Please state the names and ages of the children of your father Robert Crockett, and whether or not he left a will.

Ans. R. E. Crockett Born about 1823
Elizabeth Born about 1825 Married

neeten Eins Andrew Brackett
Born about 1827 Sarah Bales
Born about 1829 I am the next
one James H. Brackett Born about
1833 this is all. a R. C. Brackett and
Andrew Brackett and Sarah Bales
is Dead Sarah Bales Husbands
was Johnathan Bales

Q 17. We now show you an agreement
dated May 2nd 1839 between Robert
Crockett and Wm Woodson relative to
a division line between them, and
ask you if you know the land
and the line described therein,
and to state all you know about
both and the agreement.

ans I know the land I cultivated my
fathers part of it I was along when
the line was run apart of the way
I did not go all the way through
I was a small Boy I heard them
Discuss the line and agree on it
before they ran it

Q 18 Please file said agreement as a
part of your deposition marked
Exhibit "A".

Ans. I "File the same marked as requested

Q 19 Recon state whether Wm Woodson ever made any claim of ownership to this 500 acre tract of land in his life-time or any part thereof, and if so what.

ans He never said claim any he cut about 75 trees off this land and my father made him pay 75 cents a piece at the court House by suit and then give him the Money on his promise not to cut any more this was a short time before the war

Q 20 He deed from yourself to your brother R. E. Crockett for your undivided interest in this land does not seem to reserve the iron ore. Recon state if it was the intention of you and your said brother to so reserve said ore.

The foregoing question and the answer thereto is objected to because the deed speaks for itself and is expressive of its intent, and oral evidence is not admissable to either vary or explain it or diminish or enlarge it

Duncan Atty

ans my Brother new that the are had been sold to Rose and sa said I and we knew the are said not pay us and we said not intend for to pay us

Q 21 Rison state any other facts you may know about Wm Woodson not claiming this 500 acre tract

ans 2. or 3 years before the war my father was going to make some Rails on this 500 acre tract of land and Wm Woodson came to him and offered to cut down the chesnut oak trees that needed for rails and cut off the rail cuts for the tan Barks on the trees and my father agrees to this and Woodson said it this was after my father had sued him and made him pay for the trees spoken of above

Cross Examined

At the time your father contructed the Iron ore on the 500 acre survey as above stated by you to Reuben Rose, please state what all he sold?

ans he sold the 4000 acres survey of land another known as the Mccurry place inside the 4000 acre survey as

there but my father said

11. Did your father get a deed from Martin Beaty for said land?

ans I sant think he got any deed he just got a title Bond for the land

12. Where did Martin Beaty Merchandise?

ans at Cumberland gap

13 Where was the Iron ore piled which you say Peyton & Swap got and hauled to the gap.

ans it was piled down in Tennessee at the old forge

14. Did you have any interest in this land when it was divided?

ans I sold out before it was divided and do not know the Jonsian lines between the shears with any certainty

at this place in the taken of this deposition Wm G Calsan appeared representing himself and C M Calsan and agreed that the further answers of witnesses may be written by attorneys to which the others attorneys presents agreed

Re-direct Examination.

Q 1- Did you ever help run any of the lines of this 500 acre tract.

Ans Yes. I began near the burnt cabin in the west end of the tract and helped run a part of the north line next to the mountain.

Q 2. Do you know approximately the location of the remaining lines.

Ans I could not go to the corners now except one but I know about where they all were when I was a young man. I think I could go in 4 or 5 feet of the burnt Cabin corner above described.

This corner is near a little branch and not far from the road leading to Cumberland Gap. This survey of which I speak was done a good while before the war.

Ques. 1 by W. T. Colson. How far west of the place where Wm. F. Gibson now lives did said corner stand (mentioned by you as being near the cabin?

I think and several others title tracts that he had Bought inside of said Boundary he sold all the ore on the 500 acre survey and the 1.000 acre survey

2 Ques. Are you not mistaken in reference to the sale of the Iron Ore on the 1000 acre survey, Did he not sell the 1000 acre tract of land and convey it in the same deed with the forge tract?

ans my father just sold the ore and not the Land he had sold the land off to Gilesang and others but retained the ore

3 Ques. Do you know the boundary lines of the 500 acre survey. if so please describe them?

ans I cant Know the Boundary lines of the 500 acre survey

4 Do the 500 acre and the 1000 acre survey adjoin each other?

ans I cant tell whether the sea are not

5. Did you ever know of Reuben Rose digging any ore on the 500 acre survey. if so state where as nearly as you can tell?

ans I never nee of Ruben Rose himself
seiging any but I knew of Jeff. cross
seiging for him an what I under
stood to be said tract of land
along on the spurs of the mountain
or Ridge up above where R. E.
Crocett formly lived

6. Which direction was this ore
dug from R. E. Crocsut's house
ans right square between the House and
the Mountain

7 How far from the R. E. Crocsut
house.
ans about one half mile

8 What year was that in?
ans I cant tell about what year all along
up to the war

9 Did you ever know Rose
to dig or have dug ore at any
other place on said land?
ans I sent think I said though it seems
to me that he seeg same in a hollow
west of this place

10 Where is the Bank called the
flat bank located?
ans Back North where Wm Gibson
now lives Rose never warped

Cross examination of W. G. Colson.

Ans. 1 one half mile or more.

Ques. 2. When did your father die & when did he live when he died.

Ans. 2. He died at Jop Bales in Tennessee in 1865. Oct. 17 in his 93rd. year. Bales was his son-in-law.

And further deponent saith not
H B Crockett

Also the deposition of Ephraim Crockett who being first duly sworn deposes deposes as follows:

Ch 1 State your age, color & place of residence & occupation.

ans I was 65 years old last May, a colored man, reside about one mile from H. B. Crocketts, who has just testified, occupation farmer.

Ch 2 Whom did you belong to before the war and do you know the land in controversy & if so for how long.

ans I belonged to Robt Crockett and I know the said land & have known it about as long as I have known anything.

Ch 3 Did you ever haul iron ore from said land & if so when, for whom

and how long.

Ans. Yes sir. I hauled on for George Rose, & may be his father. Mr George Rose was the boss. I hauled about 18 months, but didnt haul on all that time. I hauled coal for the furnace a part of the time. I hauled from two places on said land, one up above the Wm Gibson place and the other square back up towards the mountain from the R. E. Crockett place. This was before the war, I cant say how long before. I was hired to Mr Rose by Mr Robt Crockett and drove his team for him & hauled said ore.

Q 4 Did you ever live near the old Crockett furnace in the edge of Penn, and if so how long; and how regularly did said furnace run & when did the ore come from that ran said furnace.

Ans. Yes sir, I lived & with Mr Crockett near said furnace and lived at the Cornock place next with him & then at the Wm Gibson place

I continued to live with Mr Crockett until shortly before his death. In my earliest recollection I was living at the furnace place. As to the mining of the furnace I cant tell definitely. It ran pretty much all the time since I can first recollect up to the war but sometimes it would not run for about a year. Sometimes it would run two months & sometimes 3 or 4 months or longer. It came from up in Va when you have been asking about rock up in the ridges back of where Mr Billy Gibson lived and where Mr R. E. Crockett now lives

X 24

1 Do you know the lines or any of them of the 500 acre survey?

Ans I do not.

2. Do you know the location or lines of the 1000 acre survey?

Ans No sir.

3. How long before the war was it

That you hauled Iron ore for the Rons?

Ans. I have no idea, I think I was about grown.

4 After passing the R. E. Crockett house how did you go to get to the Iron ore that you hauled for the Rons?

Ans After passing the house I went up the branch, and then turned a little to the right, and then went up a spur, for itty well to the top, and then came back a little different way.

5 Was this ore that you hauled on the mountain side or on the ridge side of the little Valley

Ans It was on the side of the Ridge facing the mountain, it was not on the mountain, but on the South side of the ridge

6 When was the ore got that you speak of hauling from near where William Gibson now lives.

Ans. It was up back of William Gibsons He went along the road passing the house and then turned to the right up a hollow and on to a spur

7 Did you ever haul any ore for your Master, Old Robert Crockett.

Ans No sir;

8. From which side of Station Creek did you git the ore that was hauled by the R. E. Crockett place

Ans I went right up Station Creek for a distance and when I left the creek, I left it on my right.

9 Who was living at the R. E. Crockett place when you did this hauling

Ans Harrison Crockett was living there keeping Bachelor's Hall.

- Re-Direct Examination -

Q 1. We forgot to ask you this: You stated in direct examination that the Crockett furnace some time would not run for a year and not for shorter periods at others, state whether the forge or furnace one or the other was running practically all the time or not.

Ans I dont think they were all the time. I cant recollect exactly but I think some times they

would both be idle.

Q 2 Was ore-digging stopped any or was it going on pretty much all the time.

Ans Sometimes it would be stopped a while. Sometimes the men digging would stop to make a crop & sometimes they would not. If the forge or furnace was running in crop time the man digging would dig enough in 2 or 3 days to run a wagon a week. There was always ore there when I went after it with a wagon.

Q 3 When you got this ore was on it a regular ridge parallel with the rest or just spurs of the mountain.

Ans. I don't ~~reg~~ recollect hardly, it was sort of like the Poor Valley Ridge, supers like.

Q 4 When was Harrison Crockett married.

Ans I have just heard the record read it it is Nov 11-1856, and further deponent saith not

Ephraim Crockett

Virginia Lee County to-wit
I Geo W. Dillman a Justice of the Peace in and for the county aforesaid in the State of Virginia certify that the foregoing depositions of H. B. Crockett, and Ephraim Crockett were taken subscribed and sworn to before me at the time and place and for the purposes mentioned in the caption hereto annexed. ~~Given under my hand this~~ And I further certify that the attorneys in the case agreed in my presence that these depositions should be filed here with the papers instead of being mailed to the Clerk.
Given under my hand this August 27-1902 G. W. Dillman J.P.

Justice fees 6 hours at 75 per hour $4.50
Two witnesses attendance 50 cts each 1.00
$5.50

paid by plaintiff. G. W. Dillman J.P.

American Association Incorporated

vs { Depositions for Deft

Wm Gibson et al.

Recieved from B. H. Sewell. and filed August 28th 1902

A B Munsey Clerk

A statement of Sallie Barnes as follows:-
I am 67 years of age - reside in Lee County, Va., & was well acquainted with Wm. Woodson Senior dec. I lived on land claimed by him for about 10 years - 3 years of which time I lived in a house near where the Demorstimer mill sat - on Station Creek, in Lee County, Va. - & this has been 20 years or longer - I rented the house from said Wm. Woodson - & paid him - the rent - I moved back there for the purpose of keeping up his fences & taking care of his stock - Peg Jackson lived at another house on up above where I lived while I lived at the house near the Mill place & she rented from Wm. Woodson Senior dec. Said Wm. Woodson claimed the land back there on up to where the Shep Gibson house now stands - & paid taxes on it & while I lived there said Wm. Woodson - cut & used timber all back & north of where I lived & around where I lived & for a consider

able distance west of where I lived.
& Just above where Barry Barnes now
lives there was once a still house
on land claimed then by said
Wm. Woodson - dec - & there was a house
near where Esqire Langford now
lives on land claimed by Wm Wood
son - which house was there when
I lived at the mill place & which
house has been kept up ever since
& occupied by tenants under
Woodson aforesaid as I under
stood -
There was no one living back of the
Poor Valley ridge at the time I lived at
the Mill place aforesaid - from
the place where I lived on up
East to the Ship Gibson house
on Jack Gibson's place - except
Peg Jackson who lived on land
also claimed by William Woodson
& she rented from said Woodson

Cross - Examination - The house I lived
in for the 3 years spoken of was one
of houses ~~or sho~~ used at the Demortimer mill.
It was a small one - room box
house & had been used as an office

by the mile. Some land had been cleared & fenced around the house was in garden & I kept up the garden while I was there, & sold some vegetables to Wm Woodson. I paid him $1.00 per month rent which I paid in work. The house Peg Jackson lived in was one of the mill shacks & there was no fence around it. The only land that was under fence in that neighborhood was my garden & the land around where Squire Langford lives. After I moved out of that house it went down & the fence went down & no one else lived there. Peg Jackson lived in her house 3 or 4 years after I left & then she moved down to the Langford house & died there & no one lived in the house she left.

When I went to live in that house the mill was still setting there but they were through work & they came & moved the mill in a week after I went there & they hauled the lumber to Cumberland Gap. They only sawed the big poplar timber.

The only timber Wm Woodson &

got while I was living there was the logs of the trees that had been cut for the saw logs to be sawed at the mill. The wagon would come up in there & get some of this wood & haul it to his house for firewood. He never got any saw timber, or saw logs or tan bark or anything of that sort that I know of. I don't know how far west of where I lived he got firewood but just around near where I lived is all I know.

I don't know where lives Wm Woodson joined in the West & North. He just said his line joined Gibson on the East. The stick-house I referred to was run by John Roark.

Sally Bowles

(Signature by Cancel)

The Statement of Si Crockett:-
I am about 62 years of age - now live at Pineville - Bell County, Kentucky -
I was born in Lee County, Va, and get my name from the Crockett family -
I was a chain carrier - when the divsion of the Robert Crockett land was made which land lies in Lee County, Va, on Station Creek.
The land which was partitioned among the Robert Crockett heirs - was allotted in the following order or ran out that way at least - James Crockett's share first - Bales wife next, Andy Crockett's next, R. L. Crockett next, Harrison Crockett's next & Elizabeth Evans next.
Before the divsion of said land - Andy Crockett - lived on a part of what was laid off to R. L. Crockett in the divsion - Andy Crockett, after the divsion, moved onto his share & lived - at a house where Joseph Sprowls now lives - In running out the North line of the Crockett land in making the divsion - we ran about where the fence now is - which is North of where George Ball now lives North of where Andy Crockett lived - when he lived in Bell allotted to R. L.

Crockett in the division of said Crockett lands & then the line ran from where or about where the fence now is North of said George Ball & Lewis Hollingsworth. Wm. Woodson claimed the land which lies on the North of the line running from the pine & the Lewis hollingsworth w/p East & and above the Demortimer mill place up to the Gibson line. The demortimer mill place was on land claimed by Wm. Woodson. & Wm. Woodson claimed up to the Gibson line. Peg Jackson lived on Wm. Woodson's land in a house north of Station Creek & close to said Creek. under Wm. Woodson & he afterward moved to a house about where the Demortimer mill sat & lived there to my knowledge & to say on Wm. Woodson's land.

William Woodson at one time cut & hauled some poplar saw stocks to Wiseman's mill. which was cut in North of line running from. Pine in Sandfield to Lewis Hollow & opposite Morrison's or James Crockett share.

I lived with Andy Crockett at least

10 years. At one time Andy Crockett told me not to cut any timber or wood on the west side of the line running from the pine in said field to Lewis Hollow. as that was William Woodson's land.
I know of one still house up the branch North of where Geo. Ball now lives known as the Wyly Red man still house on land claimed by Wm. Woodson's land - Wm. Woodson at another time hauled boards timber from near the coaling ground near Lewis hollow - At one time while I lived at Andy Crockett's - R. L. Crockett started to cut a board near the Wyly Red man still house & Woodson came along & stopped him & told Crockett if he cut that tree - he would law him out of him -
I never know any of the Crockett's either R. L. Crockett or Andy Crockett to cut any timber for any purpose. North of the line running from the pine in said field to Lewis Hollow -
I went a short time since & examined the ox opening on the land in controversy & about 50 yds of the

opening is on the left the line running from Davis to Sandfield to Lewis hollow. The rest of the opening are on the right of said line. The opening which I examined are on the land north of where Joseph Sprowls now lives north of R. E. Crockett land North of where W. H Colson now lives.

Cross- Examination-

I am a colored man and my mother and I belonged to Robt Crockett Sr. until freedom. Wm Woodson did not claim any of the land embraced in the shown of Elizabeth Evans, or the other Crockett lines. He only claimed north & east of the line from the pine corner to Lewis Hollow. This pine corner is not now standing but a pile of rocks is where it formerly stood. Wm Woodson did not haul any timber off of this land as far as I know after the Dr Mortimer mill quit sawing. His teams hauled some of the logs to the Dr Mortimer mill, and before the said mill got to work he hauled some poplar logs as stated

in my direct examination to Wiseman's mill to have them sawed into lumber. Wiseman's ~~Gibson~~ mill was a water mill. He got his firewood off the Ball lick which is east of this house & I never Know of his getting any firewood off of this land. I do not Know how many trees he cut for boards at the time mentioned in my direct examination but he hauled enough to cover the barn and perhaps other outbuildings when he lived.

There was other improvements on the lands of the Crockett heirs west of where I spoke of in my direct examination, but I didn't examine it recently.

Si Crockett

(Signature by Counsel)

Statement of James Campbell.

I am 49 years old next July & have known the Wm. Woodson lands on Station Creek - in Lee County, Virginia - for about 30 years - during all of said time Wm. Woodson in his life time cut said timber - for wood - & make rails & for building purposes generally - North of the Poor Valley Ridge & North of the line now claimed by the Plaintiff - American Association Incorporated - at different places & since Wm. Woodson's death W.J. Colson or parties under his control have done the same things - on the North of the line claimed by American Association - There are about 5 houses - occupied by tenants under Wm. Woodson some of them & then all of them under W.J. Colson & his wife & I lived in one of the houses 6 years ago from November 1904 back & the Langford house has been occupied under W.J. Colson & Wm. Woodson's tenants together for about 30 years up to this time continuously. The cutting of wood - Making rails & using timber generally by

me Under W.G. Colson & his wife & those done by W.G. Colson & those done Wm. Woodson - were North of where I lived - from below where I lived & on up to & including the Jackson place - & prior to & since Wm. Woodson's death I never heard any one else claim the land where I & others lived back on North of line and or North of Station Creek - as before mentioned until a law suit was instituted since years ago against W.G. Colson for cutting timber for tan bark on the land a part of which covers a part of the ore in controversy

Cross-Examination

The house I lived in is ~~southwest~~ northeast of the Geo Ball house & is the same house David Barnes now lives in. I do not know the lines of the Beaty 500 Acre patent or the Crockett 1000 Acre patent or any of them. Wm Woodson did not claim any of the Elizabeth Evans land or any of the land west of it.

The five houses spoken of by me in direct examination were 1st the Squire

Langford house, 2nd the Geo Ball house built about 1898. 3rd the David Bowes house built in 1898, 4th the Bony Bowes house built in 1898 and 5th the Frank Gray house built in 1898. The last four houses are boxed houses, all have two rooms except the Frank Gray house which has only one room.

There was another house known as the Jackson house located near the Frank Gray house for about 30 years occupied all the time by tenants under Wm Woodson.

James Campbell

Lee Circuit Court
The American Association, Inc.

v.

Wm. F. Gibson et al.

In this cause it is agreed that the foregoing ~~dep~~ statements of Sally Barnes, Li Crockett & James Campbell were taken ~~to~~ down as & for their depositions at Middlesborough, Bell County, Ky. in Sept 11th 1904, with Geo W. Easton & R. T. Traine, attorneys present for Plf & W. G. Colson present for himself & C. M. Colson ~~and by ad~~ and it is further agreed that the said ~~dep~~ statements may be read for said ~~Co~~ W. G. & C. M. Colson in this cause, as if regularly taken - & no exceptions are to be taken for matters of form, or for filing.

Geo W Easton
& R. T. Traine
for plfs.
W. G. Colson
C. M. Colson.

This Sept 12th 1905

American Assoc Inc

Vs. Depos of
Sally Barnes
Si Crockett
James Campbell

Wm P. Gibson et al

Filed Oct. 14th. 1905
H. C. T. Ewing,
Clerk,

To Willaim Gibson, William Cosby, Chadwell Pridemeore, Vincent Carminy, W.B.Stidham, Martin Thompson, Martha J. Gibson, William Morrison, J.H.S.Morrison, George P. Morrison, Minnie Richmond, W.G.Colson, C.M. Colson Thomas S. Gibson and Kate Carminy.

You are hereby notified that on the 31st day of Oct., 1902 at the residence of Elizabeth J. Evans, Cayote, Bosque County, Texas, bewteen the hours of 8a.m. and 6p.m., of that day, we will proceed to take the depositions of Elizabeth J. Evans and othrs to be read as evidence in behalf of the plaintiff, in a certain suit in Chancery now depending in the Circuit Court for Lee County, Virginia, in which the American Association Incorporated is plaintiff and you are defendants; and if from any cause the taking of said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day, from time to time and from place to place, or at the same place, and between the sme hours, until the same shall be completed.

This the 17" day of Oct., 1902.

Respectfully,
American Association Incorporated.
By C.T. Irvine & B.H. Sewell Attorneys.

Legal service of this notice is accepted for all the defendants except W. G. & C.M. Colson Oct 22. 1902

C. T. Duncan
Atty

Also Legal service of the same is hereby accepted for C.M. & W. G. Colson. Oct 22. 1902.

Pennington Bros
Attys for said defts.

The deposition of Elizabeth J. Evans, taken before me D. J. Colbirth, a notary public, for Bosque County, Texas, pursuant to notice hereto annexed, at the residence of Elizabeth J. Evans at Cayotee, Bosque County, Texas, on the 31st day of October, 1902, between the hours of 8 a.m. and 6 p.m. of that day, to be read as evidence in behalf of the plaintiff, in a certain suit in Chancery now depending in the Circuit Court for Lee County, Virginia; where in the American Association Incorporated is plaintiff and William Gibson and other are defendants.

Present Attorney for Plff.

Presnent Attorney for Defts.

The witness, Elizabeth J. Evans, being duly sworn deposes as follows:

Q.1. State your age, place of residence, and whether or not you are a daughter of Robert Crockett, deceased, and the sister of Harrison B. Crockett now living near Rose Hill, Lee County, Virginia.

Ans. I am in my seventy-eighth year. I am a daughter of Robert Crockett, deceased, and am a sister of Harrison B. Crockett, now living near Rose Hill, Lee County, Virginia. I live at Cayote Bosque County, Texas.

Q.2. State whether or not you ever lived in Lee County, Virginia, and if so, where and how long, and where did you next live, ~~ab~~ and how long there, and when did you move to where you now live, and how long have you been living there?

Ans. Yes, I lived in Lee County, Virginia at Walnut Hill - was born there and lived there twelve or fourteen years - cant say exactly - then we moved to the Iron Works in Claiborne County, Tennessee cant say exactly how long I lived there - say three or four years - from here I moved to Missouri then to Arkansas, then to the Indian Territory and from there to this place where I have lived living some thing over thirty years.

Q. 3. Do you ~~know~~ know the land in controversy in this cause, being a tract of land near Cumberland Gap, in Lee County, Virginia, of 500 acres once owned or claimed by your father, and known as the Martin Beaty tract, adjoining the John Jones 1155 acre patent; the Fields 7080 acre patent, and the Crockett 1000 acre patent, and if so, state how long you have known it, and state where you ~~lid~~ lived in relation to it, if you did so live, and how long?

Ans. Yes. I know that land — my father owned the 500 acres — we lived at the Iron Works at this time

Q.4. Please state whether or not your father Robert Crockett had possession of this 500 acre tract of land from the time you first knew it, and if so, state connectedly the facts as you know them about the possession of said tract of land?

Ans. My father owned this tract of land from the time I can first remember.

Q. 5. State whether or not he, your father claimed during the whole of the said time you have mentioned, all the said 500 acre tract?

Ans. Yes — my father claimed the entire 500 acres from the time I can first remember.

Q. 6. From whom did your fathe r get this land, and state all you know about that?

Ans. My understanding is that he got it from Martin Beaty - bought it before I can remember.

Q. 7. Please state whether or not your father ever sold the iron ore from this 500 acre tract of land, and if so , to whom, and whether or not said sale of said iron ore was made before November 25, 1857, and if so, how long before that date?

Ans. Yes my father sold the ore from this tract of land to Reuben Rose and his son George. I can't say for certain - but to the best of my recollection the sale was made in the summer of 1855.

Q. 8 Please state whether or not your father, Robert Crockett, ever worked or used the iro n ore from said 500 acre tract of land, and if so, for how long, and who worked and used said iron ore from said land afterhim ?

Ans. He did - worked and used the ore from the time I can first remember until ~~I left that there which I think was in December 1855~~ he sold it to Rose in the summer of 1855.

I can't say who worked the ore after my father as I left there soon after he sold it

4

Q.9. State whether or not the said working of this iron ore from said tract of land was going on from the time you first knew the land to the war or not?

Ans. Can't say whether the iron ore was worked up to the war or not land was worked up to the time I left.

Q.10. Please state on what part or parts of this said 500 acre tract the digging and using of said ore which you have described was done?

Ans. Can't say what part of the land it was done on.

Q.11. State whether or not you knew Martin Beaty, and if so state what you know about him, and also state whether or not you knew Robert Beaty of this country, and if so, state all you may know about him, and what relation Martin Beaty and Robert Beaty were, if you know?

Ans. I saw Martin Beaty only once he came to my father's house when I was a child when we lived at Walnut Hill. I knew Robert Beaty well he was a neighbor of my father's and if he was related to Martin Beaty I never knew it.

Q/ 12 State when it was that you first knew or saw Martin Beaty, and where he lived, if you know?

Ans. I do not know where Martin Beaty lived - only saw him the one time at my fathers when I was a child - Can't say what year.

CROSS EXAMINATION

BY C. T. Duncan, Counsel for all the defendants except W.G.Colson and C. M. Colson.

Q1. Do you know the lines of the tract of land referred to in the questions propounded to you in your examination in chief, if so, please state them.

Ans. I do not.

CROSS EXAMINATION

by defendant Colsons and Stidham.

Q/,1. Has any person or persons wrote you any letter or letrers or given you any information by letter or otherwise as to any matter relative to the questions asked you in the interogatories propounded ~~in the interogatories propounded~~ to you by the plaintiff in this suit, if so, state who and when, and if you say you have been furnished by any such letter or information, please file such with your answer to this question marked "A".

Ans. I have never had any letters, or been questioned by any one in regard to this matters.

Q. 2. Is the 500 acre tract of land referred to you in the plaintiff's interogatories east, west north or south of the 1000 acre tract if you know?

Ans. I do not know.

Q/3 How long has it been since you was last on the 500 acre tract of land, if you say you were ever on it.

Ans. It has been about 47 years, as I think it was in 1853 that I left that country.

Q. 4. How much if any, in your opinion, does the 500 acre tract of land lap over on the 1000 acre tract, the 1155 acre tract and 7080 acre tract or either of them if you re member?

Ans. I know nothing of how the lands connect.

About how much if any of the 500, the 1000 acre, the 1155 acre, and the 7080 acre tracts of land lay in the state of Tennessee and Kentucky (we mean for you only to give your opinion and approximate as you remember it)

Ans. I can't say anything about how the lands lay.

Q. As you remember it, which of said four tracts o f land is fatherest west?

Ans. I do not know.

Q. ~~And~~ at how many different points did your father, Robert Crockett, have iron ore mined while he was in the business; and tell as near as you can where each point of mining was done, and how long he mined continuously at each point named by you in answer to this question

Ans. I do not know at how many different points my father had ore mined, more

~~how long he mined at the different places.~~

how long he owned at the different points,

Q. Approximate ly, how much if any of the said 500 acre tract of land was fenced and ~~being~~ under cultivation by your father when you last knew the land?

Ans. I know that some of the land was fenced and under cultivation but cant say how much.

Q. How long did your father live upon said 500 acre tract of land, if at all?

Ans. I do not know how long he lived there - he moved there after I left there counting and lived there until some time during the war.

Q. If you know, tell where Martin Beaty lived when he died?

Ans. I do not know where he lived when he died.

And further this deponant saith not.

Elizabeth J Evans

STATE OF TEXAS,

COUNTY OF BOSQUE, to-wit:

I, D.J.Cutbirth---- , a notary public for the county of Bosque, in the said State, do hereby certify that the foregoing deposition of Elizabeth J. Evans, was duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose in the caption hereto mentioned.

Given under my hand and notarial seal, this the 31st day of October, 1902. My term of office expires on the 1st day of June 1903

D.J. Cutbirth N. P.

Cayote, Bosque County, Texas.

Read

American Association Incorporated.

vs } Depositions

William Gibson et al

Recieved by mail in good condition and filed Novr 5th 1902.

A. B. Munsey Clerk

3
Dep. of
Elizabeth [illegible]

The deposition of B. L. Johnson taken pursuant to agreement, at the office of Duncan & Cridlin, in Jonesville, Virginia, on the 8th day of May, 1907, which is intended to be read as evidence in behalf of the defendants in a suit in Chancery, now pending in the Circuit Court of Lee County, Virginia, in which the Americam Association Incorporated is plaintiff, and William G. Gibson and others are defendants.

Present B. H. Sewell for Counsel for Plaintiff, and J. W. Orr, C. T. Duncan, and R. L. Pennington are Counsel for certain of the defendants.

B. L. Johnson, a witness of lawful age, being first duly sworn deposes and says:

Q. 1.-- Please state your age, residence, and occupation?

A. -- My age is 37. I reside at Gibson Station, Lee County, Va., and my occupation is farming.

Q. 2. Are you acquainted with the tract of land formerly owned by R. E. Crockett and conveyed by him to his daughter, Martha J. Gibson, and by her to W. B. Stidham and if so, how long have you known it?

A. I am acquainted with said tract of land and have known it for 20 years or more.

Q. 3. How near do you live to that land?

A'. 2 1/2 or 3 miles.

Q. 4. Who was in possession and living on said land when you first became acquainted with it.

A. R. E. Crockett.

Q. 5. State if you know at what time R. E. Crockett left that land and who did he place in possession of it, or who was in possession of it after he left it until it was sold to Stidham.?

A. I can't accurately state how long he left said land. I think he remained at Ewing with his daughter for eight years before he died, and I think he has been dead five or six years.

Q. 6. When R. E. Crockett left the land W. G. Colson was in possession of it for some time under a mortgage which he held against it from R. E. Crockett.

A. I think Mr. Colson was in possession, after Mr. Crockett left it, for two or three years. Then the land was turned over to me as agent for Mrs. Gibson to whom R. E. Crockett had conveyed it. For awhile my father looked after the land for Mrs. Crockett which was while Colson was still in possession of it.

Q. 7. Did you ever know of any iron ore being dug from said land, and if so, when and by whom was it dug.?

A. In the year 1900 and perhaps 1901 I leased the iron ore on this land to Geo. F. Morrison who took out some iron ore during the period of two years. I do not know the amount he raised. This is the first iron ore I ever knew taken from that land so far as my own personal knowledge goes.

Q. 8. During the time that Morrison was taking ore from said land ~~who~~ he leased from you, state whether or not the American Association Incorporated, or any of its agents ar afficers had knowledge of the fact that Ore was being taken from said land?

A. Mr. J. D. Templin, land agent for the American Association Incorporated, knew that I was taking iron ore from that neighborhood. I do not know whether he knew I was taking it from this particular land or not.

Q. 9. Did you ever have any conversation with Mr. Templin, or he with you in reference to the iron ore on this tract of land?

A. Yes sir. Some time after I sold this tract of land to W. B. Stidham, I was in Mr. Templin's office in Middlesborough, Ky. and he asked me to locate for him a boundary or seam of iron ore which the American Association claimed in Virginia. He had a map which he laid out before me which showed on it a line of iron ore and asked me where it was. I told him that that was a part of the ore which I was, or had been, working and Mr. Stidham was working it at that time. He told me that they had a deed or had bought that iron ore and stated the length of the line of iron ore, but I do not remember what it was at this time, and I told him that that would take the ore which Stidham was working on the Crockett land. I ask Mr. Templin why he did not men-

tion this to me before, or stop me, or something to that effect. He answered me that he did not know that what was the seams or some words to that effect, but I do not remember the exact words.

Q. 10. Are you acquainted with one John M. Crockett?

A. Yes sir.

Q. 11. Whose son is he?

A. R. E. Crockett's.

Q.12. What relation is J. M. Crockett to Mrs. Martha J. Gibson?

A. He is reputed to be her brother.

Q. 13! Do you know the state of feelings between J. M. Crockett and his sister Mrs. Gibson, if so what is it?

Obj- Objected to because inadmissible.

B. H. Sewell.

A. About the time this land matter was settled and conveyed to W. B. Stoidham, his feelings to-wards Mrs. Gibson were bad.

Q. 14! Did you ever hear J. M. Crockett say anything about what he intended to do with reference to assisting the American Association Incorporated to defend Mrs. Gibson with reference to this land, or anything of that kind and in this particular suit?

Obj- - This question and any answer thereto is objected to 1st. because it is incompetent and inadmissible, and 2nd because there is no foundation laid for this witness to give this character of testimony

B. H. Sewell for Plaintiff.

A. J. M. Crockett said to me that he could beat Mrs. Gibson out of the ore and he would help the Association to do it, and was going to see that they did beat her, that she had treated him very badly about this land, and that he was going to see that W. G. Colson beat her out of the land and would help him do so.

Q. 15. State when and where Mr. J. M. Crockett had the foregoing conversation with you and who was present?

Obj- - Objected to for reasons above stated.

B. H. Sewell.

A. I met him on Station Creek. Tom Ball was present. It was a short time before he gave his deposition in this case, a few weeks or

few months before.

Q. 16. At any time before Mr. Crockett had this conversation with you, had he talked to you about his father's land, the iron ore on it &c?

A. He talked to me different times about it. He showed me the corners on the land.

Q. 17. In these conversations who did Mr. Crockett claimed owned that iron ore?

Obj - This question and any answer thereto is objected to, because this is an indirect attempt to contradict the witness, Crockett, and no foundation was laid for such testimony when the deposition of Crockett was taken, because it was inadmissible. ~~He claims that his father R. E. Crockett owned it.~~ B. H. Sewell. atty -

a.-He claimed that his father R.E. Crockett owned it.

Q. 18. State as nearly as you can when these conversations were had between you, in which he claimed that this iron ore ~~became~~ was his fathers?

Obj -- Objected to for the same reasons above.

B. H. Sewell.

A. He made this statement to me at the time ~~he~~ I was put in possession of this land and he came there and pointed out some of the corners to me, and at different times after that, he got mad, which was He continued to do so up to the time sometime about the time said land was sold to Staidham, or a little before.

Q. 19. Do you know of any iron ore being opened at any place on that Crockett tract of land, I mean the 500 acre tract, about the year 1887 or 1888 a man by the name of Wilker or anybody else?

A. No I do not know Wilker, but I know that about the year 1887, a man by the name of Banks, together with my brother and John Crockett, the son of Andrew Crockett, opened up iron ore beginning at Cumberland Gap and running on in the direction of Big Stone Gap at different places, and they said they were working for the L. & N. R. R. Company. There was an openeing made on this land but I do not know whether it was made by them or not, I knew of no other openings along there by anybody else until the opening made by myself as above stated.

CROSS-EXAMINATION.

And waiving the foregoing objections, B. H. Sewell, Counsel for Plaintiff, makes the following cross-examination.

Q. 1. Mr. Johnson, are you personally interested, in any way in the iron ore in the land in controversy in this case?

A. I am not personally interested, except as the agent of Mrs. Gibson.

Q. 2. When you spoke of W. G. Colson claiming to be in possession of the R. E. Crockett tract of land, was not Colson at that time claiming this land as his own and adverse to Mrs. Gibson?

A. Yes sir. That is the way I understood it.

Q. 3. Shortly after the conversation you state you ~~have~~ had with Mr. Templin there when he knew for certain that you were mining on this particular R. E. Crockett land, was not thissuit brought with an injunction served on Mrs. Gibson to stop mining?

A. It was not a great while until the suit was brought and an injunction served on Mr. Stoidham who was then mining the ore on said tract of land.

Q. 4. Are you friendly with J. M. Crockett?

A. Yes sir we speak. I know of nothing between us at present.

And further this deponent saith not.

(Signature waived)

Virginia, Lee County, to-wit.

I, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing deposition of B. L. Johnson, was taken and sworn to before me at the time, place, and for the purpose in the caption mentioned.

Given under my hand, this the 8th day of May, 1907.

Geo. P. Cridlin

Commissioner in Chancery.

American Assn. Incorporated

vs. } In Chy.

W. G. Gibson et al

Deposition of
B. L. Johnson

Filed May 9, 1907
L. C. S. Ewing, Clerk

Comr. fee $1.50.

The depositions of William Cross and

taken before me, G. W. Baston, a Notary Public in and for the County of Bell, and State of Kentucky, at the office of the American Association Incorporated in Middlesborough, State and County aforesaid, on the 29th day of November, 1904, to be read in evidence on behalf of the plaintiff in a certain suit in chancery now pending in the Circuit Court for Lee County, Virginia, wherein the American Association Incorporated is plaintiff and William Gibson and others are defendants, taken pursuant to agreement of counsel for the parties to said suit.

Present: B.H. Sewell of counsel for plaintiff.
" C.T. Duncan of counsel for all the defendants.

The witness, William Cross, after being first duly sworn deposes as follows::

Q.1 Please state your name, age, occupation and place of residence?

A/ My name is William Cross; I am a coal miner; age 47 years; and place of residence is Bosworth, Bell County, Kentucky.

Q.2. Are you acquianted with the five hundred acre tract of land in Lee County, Virginia, known as the Beaty tract?

A. I am acquianted with that tract of land. I was born on it.

Q.3. State whether or not you know the iron ore on said tract of land in controvery in this suit?

A. I know that iron ore on that property.

Q.4. State how long you have know that tract of land and the iron ore on it, and where did you live in reference thereto, and how long?

A. I was born on that property and lived there most of the time until 1872.

Q.5. During the time you so lived on said land were there any openings of the iron ore on that land, and if so when they were made and by whom?

A. There were some iron ore openings made on said land, they were made by my grandmother and my father years before the War; they were made for George Rose.

Q.6. During all the time that you lived on said tract of land, state who claimed to own and be in possession of said iron ore?
That part of the foregoing question which asks the witness: who claimed to be in possession of the iron ore during the time specified in the question, is objected to, because possession is an actual fact and cannot be made by claim. C.T. Duncan for defts.

A. George Rose claimed to own the iron ore, and also to be in the possession of it.

Q.7. Where was George Rose when he made this claim of ownership and possession of said iron ore.

A. He was walking along the line of the ore and the openings of said ore. He was trying to make sale of said ore, that was along about 1869 or 1870.

Q.8. Where were the openings of this iron ore on said tract of land that you speak of above as having been made by your grandmother and your father?

A. They ran nearly acrods the full tract of land. They began just a little way from the west line and cross on nearly to the east line of said tract.

Q.9. During the time you lived on said tract, state whether any one to your knowledge claimed said iron ore against George Rose?

A. No one.

Q.10. Since moving away from said property in 1872, how far have you lived from said tract of land?

A. Most of the time I have lived just about six miles from it.

Q.11. State whether or not you have done any work, since you have been away, on said tract of land in opening the iron ore thereon, if you have state when said work was done, and for whom?

A. I have done some work on said property in opening up the iron ore in 1886 or 1887 for Alex A.Arthur.

Q.12. Who was foreman for Mr.Arthur in doing this work?

A. Lonz Welker.

Q.13. Please state the places where this iron ore was opened up by Mr. Arthur on said tract of land, beginning at the west line and going to the east line?

A. The first opening was made just east of the Virginia Road where it now crosses Poor Valley ridge in an old opening made by my father. This opening was not over three hundred feet from the west corner of said tract. The next opening was about half way acrods the tract in a small hollow. The next opening is right at the east line of said tract.

Q.14. While said openings were being so made where did Mr.Welker board?

A. At Dr.Morisons at the Gap. The old Doctor.

Q.15. Who paid you for doing this work in making these iron ore openings on said land?

A. Alex A.Arthur.

CROSS-EXAMINED.

Q.1. You state you were born on the Beaty tract of land and lived on it until 1872. With whom did you live?

A. I lived with my father, Jeff Cross.

Q.2. Did your father own that land, if not, from whom did he rent or lease it?

A. He did not own it , he rented first from old Robert Crockett and after from his son R.E.Crockett, that is, after the death of old Robert Crockett.

Q.3. At what particular point or place on said land did your father live during the time spoken of by you?

A. He lived just a few steps east of the branch east of the house where Billy Gibson now lives for a number of years, and then he moved in the hollow north of Gill Colson house in the house where R.E.Crockett lived up to the time said Crockett broke up house-keeping, which house is admitted by counsel on both sides to be the house William Stidham now lives in.

Q.4 You state there were iron ore openings made on said land for George Rose by your father and grand mother years before the War. Will you please state as nearly as you can how long these openings were made before the war?

A. I cannot state how long before the War these openings were first made, but my father continued to work in them up to the beginning of the War.

Q.5. How do you know your father worked in these openings up to the beginning of the War?

A. By a settlement made after the War between my father and George.W Rose

Q.6. Was that settlement reduced to figures or writing?
A. It was left to referees and was of course reduced to figures.
Q.7. When was it made and who were the referees?
A. In or about 1868 by Squire Mark Cadle and Sqire Tom Davis.
Q.8. Is your father still living?
A. No sir.
Q.9. You say that George Rose claimed to own the iron ore on this tract of land and that he made this claim while walking along the line of the ore and the openings of the same when he was trying to make a sale of said ore along about the year 1869 or 1870. Who were present at the time he made said claim and to whom was he then trying to sell said ore?
A. He and my father, and Howard and Bedford to whom Rose was trying to sell the ore or property, said Howard and Bedford being the parties to whom Rose was trying to sell the ore or property.
Q.10. Do you know the length of the strip of iron ore running across said land, and if you do not know exactly, approximate it as nearly as you can.
A. about two miles running along the surface.
Q.11. How many openings were made upon said land up to the beginning of the war?
A. I cannot tell exactly. About twenty or thereabouts.
Q.12. Do you remember seeing any of these openings at or before the beginning of the War, or are you speaking from the appearance of the land as you remember it after the War?
A. I remember seeing one opening before the war. My sister carried me up to it where my father was working, and when we got to him we found some slate had fallen on him, and my sister took it off of him. I remember seeing this same opening after the War. This opening was on the point above the old Alec Crockett house and about midway of this tract of land. The other openings were shown to me by my father when he was showing them to the referees hereinbefore referred to.
So much of the foregoing answer as details what his father showed or said to the witness and the referees, is objected to being hearsay and inadmissible.
Q.13. You state that about the year 1886 or 1887 you assisted in making some openings of the iron ore on this tract of land for Alex A. Arthur. State the purpose of these openings, if you know it.
A. He wanted to see what ore he had.
Q.14. Do you know whether these openings were made before or after Mr. Arthur claimed to have purchased the iron ore on this tract of land?
A. I do not know.
Q.15. Do you know the boundaries of the claim or purchase of Dr.J.H.S. Morison of a part of this tract of land.
A. I do know the boundary, but if called upon to bound it by metes and bounds I could not do that.
Q.16 Were any of the openings that you assisted in making for Mr.Arthur within the boundary claimed by Dr.Morison?
A. Yes, one of them.
Q.17 Was Dr.Morison at that time alive or dead?
A. He was alive.
Q.18 Was he present where this opening was made?
A. No, he was not present.
Q.19. Did he have any knowledge as far as you know, of the fact that Mr. Arthur was having an opening of ore made within the boundary of said land owned by him.
A. I do not know. His son was out with us every day. He would come out with Welker to where we were working and go back with him.

Q.20. Which one of Dr.Morison's sons.
A. George.
A.21 Are you certain that George Morison was present when any opening was made for Mr.Arthur within the boundaries of the land claimed by Dr.Morison.
A. Yes.
Q.22 Do you know the boundaries of the tract of land claimed by R.E. Crockett within the boundary of said 500 acre Beaty tract?
A. Yes I ~~knew~~ know the boundary.
Q.23 Was any opening made for Mr.Arthur on that tract.
A. Yes there was one on that.
Q.24. Do you know the boundary claimed by Mrs.Evans and now claimed by W.G.Colson or his wife.
A. I know that boundary. There was one opening made by Arthur on that, and these are the three openings we made for Mr.Arthur.
Q.25. Has the George W.Rose Furnace or foundry located on Indian Creek and originally owned by Robert Crockett ever been worked or operated since you can remember?
A. I can remember my father digging ore for use at that furnace, but work at the same ceased about the beginning of the Civil War, perhaps about the Fall of 1861.
Q.26. Has any furnace ever been operated at that place either by George W.Rose, his father Reuben Rose or any of the Rose Heirs, since the year 1861.
A. No.

RE-DIRECT.

Q.1. You stated in your examination in chief that while you lived on xx said tract of land that George W.Rose claimed to own and be in possession of the iron ore thereon. I will now ask you to state whether or not it is a fact that it was generally known and stated in that entire neighborhood that the said ore belonged to the said Rose? Objected to because immaterial and irrelevant; title cannot be acquired nor passed by statements in the neighborhood or notoriety no matter how general.
A. It was.
Q.2. State whether or not this claim by said Rose was notorious, open and well known and well recognized by all people in the community? Objected to for the same reasons given above.
A. It was.

RE-CROSS EXAMINATION.

Q.1. Who recognized Roses claim to said iron ore?after 1867?
A. I have: Alex Crockett, Andy Crockett, and Jimmy Crockett have always spoken of it as Roses property. I have heard old Dr.Morison speak of it as Roses property.
Q.2 When did you hear R.E.Crockett, Andy Crockett, Jimmy Crockett and Dr Morison speak of that iron ore as belonging to George Rose?and where were they?
A. I heard R.E. and Jimmy Crockett ~~when~~ Say when they were making sale of Jimmys part of the property to Dr.Morison, that the ore belonged to George Rose. They called Andy Crockett in and he stated the same thing that the ore belonged to Rose. I do not recollect the date. Dr.Morison at the same time and place stated that he could not

get the ore as it belonged to Rose, and that he wanted the land ~~[illegible]~~ for farming and the timber on it.

Q.3. Then as I understand you Jimmy Crockett reserved the iron ore or did not sell it to Dr.Morison. Is that correct?

A. He said it was not his. He had his brothers brought in to prove that it belonged to George Rose, and he made Morison no right to it as far as I could see.

Q.4 Did he execute a deed to Dr.Morison for the land at that time?

A. They were there making the deed.

Q. 5 Did you hear the deed read?

A. I recollect hearing the deed read but I do not recollect what it contained.

Q. 6 If you heard the deed read please state whether or not said deed in any way mentioned the iron ore on said tract of land?

A. I do not recollect it.

Q. 7 How old were you at that time?

A. I was young man in my teens.

Q.8 Was it before or after 1872.

A. It was before that.

Q.9 How long ~~was~~

A. About the year 1869 or 1870.somewhere.

Q.10 Are either one of these parties, that is, Dr.Morison, Alex, Andy or Jim Crockett, now living.

A. Jim Crockett may be living, the others are dead.

Further this deponent saith not..

Wm. Cross

Fees of witness paid by plaintiff.

State of Kentucky)
) sct.
County of Bell)

I, G.W.Easton, a Notary Public in and for said County and State ~~for the County and State aforesaid~~, do hereby certify that the foregoing deposition of William Cross was duly taken subscribed and sworn to by agreement of the parties by their counsel before me at the time and place and for the purpose in the caption hereto mentioned..

GIVEN under my hand and notarial seal this the ~~x~~ 29th day of November, 1904. My commission expires on the 21st day of March, 1906.

G.W. Easton
Notary Public.

Rec'd from B. H. Sewell sealed & in good order & filed, this Nov. 30th 1904. H. C. T. Ewing
Clerk

Vs

Wm Gibson et al

6

Deposition of
Wm Cross

Witness fees 50¢
Notary fees $2.25

Recd

The deposition of James H. Crockett, taken before me H.C. Joslyn, a Justice of the Peace for Lee County, Virginia, at the office of B. H. Sewell, Attorney at Law, at Jonesville, Lee County Virginia, on the 5th day of February, 1903., to be read in evidence on behalf of the plaintiff in a certain Chancery cause now pending in the Circuit Court of Lee County, Virginia; wherein the American Association Incorporated is plaintiff, and Wm. Gibson, et al, are defendants, taken pursuant to an agreement and without notice.

Present. B. H. Sewell, and R. T. Irvine, counsel for plaintiff, C. T. Duncan, R. L. Pennington and George R. Cridlin, counsel for defendants.

James H. Crockett being first duly sworn deposes as follows:

Q.1. Please state your age, occupation and place of residence?

Ans. 70 in September coming, last day. Farmer, Carpenters, Williamson county, Tennessee.

Q.2. Who was your father?

Ans. Robert Crockett of Lee County, Virginia.

Q.3. Where were you born?

Ans. I was born in Claibourne County, Tenn.

Q4. Do you know the location of a 500 acre tract of land near Cumberland Gapon the south side of Cumberland mountain, which was one time owned or claimed by your father and the iron ore under which is in controversy in this suit?

Ans. I am very well acquainted with the tract of land, and have been over it.

Q. 5. Do you know the boundary lines, or merely the location of the said tract?

Ans. I do not know the lines exactly, but I know the general location of the said tract.

Q. 6. How long have you known this tract of land?

Ans. Ever since I was a child, big enough to go to see it.

Q.7. Did you ever live on this tract of land?

Ans. I did.

Q.8. When and for how long.

Ans. I went there some time in 52-3, and lived there until the war.

Q.9. When did you remove from Lee County, Virginia to your present home?

Ans. In the year 70.

Q. 10. Who first had posession of this tract of land since your first recollection?

Ans. My father Robert Crockett.

Q.11. How long did he continue to hold possession of it?

Ans. Until, he sold to Ruben Rose and Johiel Fugate.

Q.12. Do you remember what year that was?

Ans. I do not. I could not say.

Q.13. State what was sold to Rose and Fugate, that is whether it was the whole of the tract of land or only a part of it?

Ans. He sold them a large lot of timbered land, the foundary, and the ore off of the 500 acre survey.

The foregoing question and answer are objected to because sales of land or interests in lands are required to be in writing and the writing is the best evidence of the sale.

Pennington Duncan, Cridlin.

Q.14. Please state whether or not any ore was mined and taken from this 500 acre tract of land, and if so begin at your earliest recollection and state by whom in succession it was so mined and taken?

Ans. My first recollection is, that my father got ore from that land, then he had a partner by the name of Andrew Woodson, who got ore next then a man by the name of Heller and my oldest brother, R.E.Crockett and then Newton Evans mined the next ore. Then he sold out to Ruben Rose and Johial Fugate, and they put George Rose there and he mined ore up to the war.

Q.15. How old were you when your father was mining the ore in your first recollection as you stated?

Ans. I could not say. I was a very small child, may be from 6. to 7 years and may be 8.

Q. 16. How long did Andrew Woodson mine the ore in connection with your father, as near as you can remember?

Ans. As near as I can remember he mined it about five years.

Q. 17 How long, as near as you can remember, did Heller and your brother R. E. Crockett mine it?

Ans. I think, about the best of my knowledge, they mined it about two years.

Q. 18 How long did Newton Evans mine it?

Ans. I do not recollect exactly, but I think it was from two to three years.

Q. 19. Did you ever mine or haul any ore from this land yourself, and ff so, state the facts about it.

Ans. I never mined any ore from this bank, but I hauled one whole fall for George Rose. He hired me and my team by the day.

Q. 20. What sort of authority or contract did Andrew Woodson mine the ore under.

Ans. Preliminary question by counsel for the defendant.

Was that Contract in writing?

Ans. I think it was.

Any answer to the foregoing question propounded by the counsel for the plaintiff, is objected to because the said contract having been shown by the witness to be in writing, the writing is the best evidence, and oral tentimony is not admissable.

Pennington, Duncan, Cridlin.

Ans. The contract was , that he was to give my father one-half of the profits.

Q. 21. We understand, then from your answer that he mined it under your father's authority. Is that correct?

Ans. This question is objected to because the understanding of the counsel is not evi dence. The contract is shown to have been in writing, and in addition thereto the question is directly leading, and suggests in the strongest terms possible the answer desired.

Ans. Yes sir. He was a full partner with my father. While he was doing it, my father got one-half of the profits.

Q. 22. Under whose authority did Heller and R. E. Crockett mine, and Newton Evans mine?

Ans. Under my father's Authority.

Q. 23. What was done with the iron ore mined from this land?

Ans. It was hauled to the furnace of my father's while he onwed it, and to the same furnace after Mr. Rose got it, and there made into iron.

Q. 24. State how constantly the ore was mined and hauled from this land to the furnace. That is, state whether or not it was hauled each and every year or whether at intervals from the time you first knew the land until the war?

Ans. According to my recollection it was hauled every year, as far back as I can remember.

Q.25. Did the furnace run each and every year during that period?

Ans. Well, I don't think it ran each year on account of some years they had to stop on account of the stock. It took a great deal of coal and ore and they tried to get in a large stock before starting up the furnace. When they started it they ran it as long as they could on account of the hearth. It was costly to put in a new hearth, but the trip hammer ran each year, making bar iron.

Q. 26. What sort of coal was used at the furnace.

ANS, It was called charcoal burnt from wood by colliers. The furnace was generally run in Winter season on account of the water being better for making blasts.

Q.27. Can you state whether or not the furnace works, and the mines on this land was apparently an old operation at the time when you can first reccolect?

This question and the answer thereto is objected to because it is seeking an opinion of the witness.

Ans. It was.

Q.28. State whether or not any one ever set up any claim to this 500 acre tract of land, or to the ore on it in opposition to your father's claim, and the claim of Rose under your father?

Ans. Never, that I ever heard of, or knew of.

Q.29. We will ask you in particular whether or not Wm. Woodson , as to your knowledge, laid any claim to this 500 acre tract of land or any part thereof, or any interest therein?

Ans. He did not.

Q.30. State whether or not, to your remembrance, Wm. Woodson ever cut any timber of any kind off of this tract of land, and if so state the circumstances?

Ans. Well, I remember of him cutting some little oak timber off of my father's premises, and he cut off the timber fit for rails for my father , and he took the bark.

Q.31. State whether or not you know anything about the division lines agreed on between your father and Wm. Woodson, or whether you heard Woodson say anything about that, and if so what you know and what was said?

Ans. All I know concerning that is, that I have been at the beech that they start from, and the line I think, runs north about 2 degrees west or east one I am not sure which. I have not traced the lines through, but I have been at the corner tree, and have seen it a good many times. They agreed upon that as being on the division line, and the line ran from that tree to the back line. I never heard Wm. Woodson say anything about it that I remember of.

Q.32. Please state where the beech tree that you refer to is located with reference to the 500 acre tract.

Ans. Southeaast of the 500 acre tract, and in a southeast direction from the R. E. Crockett house, where, I am informed Wm. Stidham now lives, and about 1/4 of a mile from said house, it may not be as much as 1/4 of a mile. This is merely a guess.I have not seen the land since 1870.

Q.34. Your refer in a former question to a back line, that a division line ran to from the beech, please state what back line you refer to?

Ans. I think it was a back line of the Jones tract.

Q.35. State whether or not after the division line was astablished between your father and Wm. Woodson as you have testified to, the said Wm Woodson ever claimed west or north west of the said line.

Ans. If he ever did I never heard of it.

Q.36. We will ask you if any particular circumstance is recalled by you showing the recognition of that division line by Wm. Woodson, and if so please state it.

Ans. None that I know of.

Q.37. To refresh your memory, we will ask you if some of Wm. Woodson's hogs at one time got through a fence on said division line, and if you recall such a circumstance, please state the facts concerning it.

Ans. He had hogs to break through on the south side of the line fence time and again, and eventually my father had me to notify him to break loose, and build a fence of his own on this division line. This was that part of the division line running from the Virginia road eastward to the beech from where the Virginia road turns north. and Wm. Woodson got the county surveyor to run the line, and it threw about four acres more land to my father than before, and Woodson built a fence of his own on the line established by the surveyor.

Q.38. Didyou know Robert or Martin Beaty?

Ans. I didnot.

Q.39. We called your attention to an exhibit filed with the pleadings in this cause marked "J. H. C." being a copy of a deed dated April 26th, 1870, from yourself and wife to James H. S. Morrison, the granting clause of this deed conveys your entire interest being 1/6 part of a certain undivided tract of land &c., and we ask you whether or not, at the time of this conveyance you claimed the mineral in this land, and whether you conveyed or intended to convey the mineral to James H. S. Morrison.

The foregoing question and answer thereto is objected to because said conveyance is in writing, and explains itself, and any intention that the witness may have had that is not expressed in that deedis waived, and cannot be proven except by the deed itself. It is further objected to because James H. S. Morrison, the other party of the said contract is dead and this witness cannot speak of any thing in connection, with the deed or contract, adverse to the interest of the said James H. S. Morrison.

Ans. I did not claim any of the mineral or ore on this land at all, as that had been conveyed to Rose by my father, and I thought every body knew it.

(6) Cross-examination by C.T.Duncan, attorney for Wm. G.

Gibson, and other defendants except W.G.and C.M. Colson.

Q.1. In answer to one of the questions propounded to you, you state that you know the tract ofland in dispute, did you ever see any of the lines of the tract of land run, or dod you know where any particular corner of the tract stood, and if so state that you do. Please tell where that corner stood and what it was.

Ans. I never was acquainted with the lines exactly, I knew of this beech corner. It is the only corner on the tract that I am acquainted with and have seen. I am acquainted with the land, have hauled ore off of it.

Q.2. Were you acquainted with the 1000 acre survay?

Ans. I was acquainted with the outside lines only, the south line of that survey.

Q.3. Did the 500 acre survey and the 1000 acre survey join each other?

Ans. Yes sir, I think they did.

Q.4. Did you know, or dod you know the location of the division lines between the 500 acre survey and the 1000 acre survey?

Ans. Not exactly, I do not. I never saw the lines run or traced.

Q.4. You state about you living on this land from about the year 1852 or 53up to the war, were you then a single man living with your father?

Ans. Yes sir.

Q. 6. You state that when you can first remember that your father was getting iron ore from this tract of land. I will get you to state as nearly as you can what part of this land he was getting iron ore from.

Ans. I could not state exactly what part, for he was getting it nearly all over it, whereever the men who got it saw cause to gig.

Q.7. Do you remeber what time it was that your father sold the furnace to Ruben Rose and Johiel Fugate?

Ans. I do not remember the time.

Q. 8. Where was your father then living?

Ans. He was living on a farm in Tennessee, about one mile from the furnace.

Q.9. You also state in one of the questions propounddd to you, that you hauled iron ore for George Rose one fall after your father sold

to Ruben Rose and Fugate. Please state what year that was, if you can.

Ans. I could not state the date or the year, on account I never paid any attention, never expecting to be called upon to testify on that, and it just passed off like any other hire or trade .

Q.10. State as nearly as you can how long this was before the beginning of the war.

Ans. Well, I could not state that exactly, but it was about three or four years before the war that I did this hauling.

Q.11 Where did you then live?

Ans. I lived on the 500 acre survey, and at the place where I am now informed Wm. G. Gibson now lives.

Q.12. Now, I will ask you to state from what part of the said tract of land you hauled this iron ore which you did haul for George Rose?

Ans. It was near the northeast corner of the said tract, right up at the head waters of Station Creek, and in hauling it I came right down by the house where ~~Alex~~ R. E. Crockett formally lived, and at that time my brother H. B. Crockett lived in the said house, and my best recollection is that my brother was married and was living in the house. He had commenced living there as a bachelar .

Q.13. Did you know of Ruben Rose, Johiel Fugate ar George Rose ever getting any iron ore off of this tract of land except up there in the northeast corner of it, from where you hauled the ore as just above stated by you, if so please state where else they got it.

Ans. If he ever hauled any from any other place I do not know it, unless it was to the same furnace and near the same place.

Q. 14. Please state as nearly as you can, when your father first moved on this tract of land.

Ans. I could not exactly give the date, but it was some where near 51-3.

Q. 15. How long did your father live on this land after he went to it?

Ans. He lived on it until up into the first year of the war, the later part of 61.

Q. 16. Do you know anything about the division of this 500 acre tract of land between your brothers and sisters, and the parties entitled to it?

Ans. I do not, I was not there. I was in Middle Tennessee.

Q.17. When did that foundary or furnace sold by your father to Ruben Rose and Fugate cease to run?

Ans. At the beginning of the war. It never run after that while I remained in this county.

Cross-examination by Pennington Bros. counsel for C.M.& W.G. Colson.

Q. 1. How long have you lived where you now say that you live?

Ans. I moved there in 70, about 33 years ago.

Q. 2. What business have you been engaged in during that 33 years that you have lived at the place mentioned in the first part of your deposition.

Ans. Farming.

Q.3. Where did you live previous to the year 1870, the time when you moved 20 miles south of Nashville.

Ans. I livedlast in the old building that Billy Gibson now lived in, the year before that I lived right close to White Fulkerson, near Rise hill, one year. Previous to that I was in the army of the Southern Confederacy up to the surrender.

Q.4. Some time ago notice was given to take your deposition in your countyand interogatories were agreed upon for the taking of your deposition by the attorneys for the plaintiff and defendants in this case. Why was it that your deposition was not taken according to the agreement in your own county at the time agreed on?

Ans. Becasue I was coming to see my brother on a visit, H. B. Crockett

Q.5. Had your visit to your brother's H. B. Crockett been arranged previous to the time fixed to take your deposition in your own county?

Ans. I had already made arrangement to come to Virginia before I was notified by these people, the plaintiff in this case, that they wanted to take my deposition.

Q.6. Did you receive the questions propounded by Mr. Sewell?

Ans. I did.

Q.7. Why did you not answer the questions that were propounded?

Ans. I preferred to answer them in person.

Q.8. Have you any interest in this case?

Ans. -Noneat all.

Q.9. Then why did you prefer to answer the questions in person.

Ans. The way the questions were, and not being posted in law, I did not know hardly how to answer them. Some of them were asked so I did not know how to answer them.

Q. 10. If the plaintiff in this case were willing to risk your statement without their presence, why were you so interested to come here to give your deposition?

Ans. I wasWanting to come on a visit, and I thought it would suit me better to come here then to answer them there.

Q. 11. Who paid your expenses here, from your home up here, your railraad fare?

Ans. I proffered, as I was coming here, if the plaintiff would pay one-half of my expenses here I would come here and give my deposition.

Q.12. When did you get here?

ns. I got to Rose Hill on the 2[illegible]

Q.13. Have you seen the land in question since you came?

Ans. I have not.

Q.14. How long has it been since you last saw that land?

Ans. In 70.

Q. 15. YOU say in your examination in chief, that Wm. Woodson never claimed this land or any interest in it, but that he cut some timber offof it with your father's permission.Was it not a fact that your father objected to Wm. woodson cutting this timberwhich he got off of it instead of it being done by your father permision.

Ans. The timber that I speak of was timber which he cut off with my father's consent for the purpose of getting the tan bark.

Q.16. Don't you know that Wm. Woodson did claim this land under conveyance from RObert Beaty.

Ans. He never did as I knew of.

Q. 17. Was there any houses near the place where you hauled ore from for Rose?

Ans. There was an old building right near where I entered the farm, and then my brother lived in the old house right down in the farm, add I got the iron ore about due north from where my brother lived.

Q.18. Did your father, at the time you were getting this ore, own the 1000 acre survey also?

Ans. Yes sir.

Q. 19. Do you know whether the iron ore that you were getting then wasn on the 500 or 1000 acre survey?

Ans. It was on the 500 acre survey.

Q.20. You say that you recollect that it was on the 500 acre survey. Why do you so remember that.

Ans. Because I know the tract of lnad pretty well, though I could not tractm the lines. It was up on the Poor Valley Ridge considerably.

Q. 21.At the time you got this iron ore was your brother Harrison living on the 500 acre survey as you understandwhere the 500 acre survey is.

Ans. I think his house was on the 1000 acre survey at the time I got this ore.

Q. 23.As your fatherowned the 500 acer and the 1000 acre survey at thes same time you were getting this ore, why was there any discussion as to which one of the tracts you were getting this ore from?

And. Because the biggest part of the ore was on the 500 acre survey, and theminers preferred to dig it there.

Q.24. How much of the 500 acre survey lies in Virginia?

Ans. I think it is all in Virginia unless it is a few steps on the west end that might lay in Tennessee.

Q. 25.How much of the 1000 acre survey is in Virginia do you think.

Ans. All of it.

Q.26. How much of the 1155 acre Jones survey if you are acquainted with that ?

Ans. I am not acquainted with it.

Q.27. Were you present when your father and Wm. Woodson had the surveyor to run the south line of your father's place and the north line of Mr. Woodson place?

Ans. Yes sir, I carried the chains. (11)

Re-direct Examination.

Q. 1. Do you know where the bank of ore on that tract of land is, which is called the flat bank, and if so state what part of the tract of land it was on.

Ans. It was on the west end of the tract. I have been to it many times.

Q.2. State whether or not ore was gotten from this bank as regularly as from the bank you have testified that you hauled from at the eastern end of the tract.

Ans. It was not, on account it was unhandy to get at, and when they wanted tough iron they would go to this bank. The bank on the eastern end made hard iron and more like steel.

Q.3. State whether or not some iron was obtained each and every year from the bank known as the flat bank.

Ans. No sir. There was not ore gotten there each year. It was gotten when they wanted it for the tilt hammer for bar iron.

Q.4. State whether or not iron ore was gotten from other places on said tract of land besides the two particular banks you have referred to.

Ans. Yes sir. There were banks nearly all over it. A great many banks have been opened that they got iron ore from.

Q,5. Was there a fence built a long the line from the beech tree to the back line of the Jones tract you have testified about.

Ans. The fence was not right on the line when I knew itlast, it was close to it. Running north from the beech tree to the back line.

Q.6. By whom was that fence put there?

Ans. By my father.

Q. 7. State whether or not the fence was recognized as the boundary line fence by Wm. Woodson.

Ans. I don't suppose it was, as it was not right on the line. It did not take in all of my father's land.quite.

Q. 8. Did Wm. Woodson ever claim anything west of that fence to your knowledge?

Ans. No sir, he never did .

Q. 9. Do you know anything about your father's old title papers. Where they are or anything about them?

Ans. I do not. They were always handled by my older brothers, R. E. Crockett and Andrew Crockett.

Q.10. You have been asked by Mr. Pennington as to why you did not give your deposition at your home on interogatories. We will ask you whether or not the said papers or interogatories reached you in time for you to give your deposition there on the day named in said papers.

Ans. I got them about 4 o'clock the day that was set for me to give my deposition; and then I wrote back to Mr. Sewell, and told him so and for him to set a day again, or if he would pay one-half of my expenses I would come here just as he liked.

Re-cross Examination by C. T. Duncan.

Q.1, In answer to a question propounded to you upon your re-direct examination, you stated you knew the bank of iron ore on said land called the flat bank, and that it is on the west end of the land. I will ask you nowhow far and inwhat direction this bank is from the main road leading to Cumberland Gap.

Ans. I recon some four or five hundred yards.

Q. 2. On which side of the said road?

Ans. North side.

Q. E. How far is it from the house your father formally lived in on said land, the house where Wm. G. Gibson now lives.

Ans. I suppose it is something over a quarter of a mile. I could not state exactly.

Q. 4. What direction is said bank from said house?

Ans. I think it is rather northeast, if my recollection is right.

Q.5. Did Ruben Rose or George W. Rose, or any person working under them ever get any iron ore from that bank you call the flat bank?

Ans. I don't think they ever did. If they did I do not know it.

Q.6. Did you ever know the Roses, or any person working for them to get any iron ore west of the place from where they were getting iron ore which you hauled for them?

Ans. Yes Sir. I think there was one or two places west from where they got ore, though I only hauled from the one bank.

Q.7. In hauling the iron ore that you think the Roses got west of the place you hauled from, how did they get to these places from the main road?

Ans. They went right up this little creek, called Station Creek, to where my brother lived, and there the road forked to go to these places on the back of the plantation.

Q. 8. Had you left this country before part of your father's land was sold by commissioner A. L. Pridemore and purchased by Dr. J. H. S. Morrison?

Ans. Yes sir, I guess I had. I know nothing of it.

Re-re-Direct examination.

Q. 1. One of the questions that we forgot to ask you on direct examination. State whether or not all of the ore for your father's furnace, that you have testified about, come from this 500 acre tract of land, or do you know of any being obtained from any other land?

Ans. So far as my recollection teaches me it all came from the 500 acre survey.

Q.2. Where was this furnace located with reference to this tract of land and by whom was this foundary built?

Ans. It was on Indian Creek, about five miles from cumberland Gap, and about two miles from where the state road crosses Station Creek, in a southeast direction, and a few hundred yards from where station Creek emptied into Indian Creek, which makes it about three miles from the 500 acre tract of land. It is in Tennessee about 1 1/2 miles from the Virginia state lineto its nearest place. My father and his brother Andrew [redacted] first built this furnace.

Q.3. Can you state from the general history of the community about what year they built this furnace?

I cannot answer that question, but they did it when they were young men.

And further this deponant sayeth not. The signature waived.

Virginia, County of Lee, to-wit:

I, H. C. Joslyn, a Justice of the Peace for the County of Lee, and State of Virginia, do hereby certify that the foregoing deposition of James H. Crockett, was duly taken, sworn to, and his signature thereto waived by agreement of the parties by their counsel, before me, at the time and place, and for the purpose in the caption hereto mentioned.

Given under my hand this the 10th day of February, 1903.

H. C. Joslyn J. P

Witness
Claims 3 days 1.50

American Association Incorporated

vs } Deposition.
for Plff.

William Gibson et al

Received from H. C. Jocelyn the J.P. before whom Taken, and filed February the 10th 1903.

A. B. Murray Clerk

H.

J. B. Free 6.00
Witness 1.50

I-N-D-E -X.

Names.	pages	
John Thompson	1-6.	50¢
J. H. S. Morrison	7-12	
W. E. Morrison	12-16.	
G. W. Epps	17-26	50¢
John Bush	26-29	50¢
George Ball	29-40	50¢
S. L. Lankfort	40 -54	50¢

Notary Fee Cumberland Gap, $6.00

" " Middlesboro, Ky. $9.00

The Depositionsof John Thompson, _____

_____

taken by agreement,before the undersigned Notary Public in and for the County of Lee, at the Cumberland Hotel in the Town of Cumberland Gap, Virginia, on the 30th day of August, 1905, to be read as evidence in behapf of the defendants in a certain suit in chancery now pending in the Circuit Court of Lee County, Virginia, in which the American Association In corporated, is complainant, and William G. Gibson, et al, are defendants.

PRESENT: R. T. Irvine & G. W. Easton, attys for plaintiff.
Orr & Noel attorneys for Martha J. Gibson and W. B. F. Stidham and wife.
E. W. Pennington attorney for W. G. and C. M. Colson.
W. G. Colson,
C. T. Duncan attorney for all the Defendants.

John Thompson a witness of lawful age being duly sworn deposes and says:

Q.1. State your age, occupation and place of resedence?

A. 63, Shawanee, Tennessee? I have no occupation now, butmy occupation has been teaming and such as that.

Q.2. Are you acquainted with the tract of land described as a 500 acre survey formerly claimed by Robert Crockett?

A. Yes sir.

Q.3 How long have you known that land?

A. I have known it for several years. from about the year 1860 until the present.

Q.4 Who, lived on that land when you firstknew it?

A. Old Robert Crockett.

Q.5. Did you ever do any work of any kind on that land for any person, and if so whom?

A. I worked on that land for Goerge Rose.

Q. 6 What did you do on it for George Rose?

A. I helped raise ore and helped haul ore.

Q. 7 Please state where you hauled the ore to.

A. I hauled it to an iron furnace down on Indian creek.

Q.8 State what directions, if any, Goerge Rose gave you in reference to hauling and unloading the iron ore which you hauled off this tract of land?

A. He came and looked at the loads and authorized me to haul them all alike, that he had to pay for the ore that he was getting off the Crockett land.

This question and answer objected to as incompetant and irrelevant.

R. T. Irvine.

Q.9 What Crockett did he say he had to pay for the ore?

A. Robert Crockett.

Q. 10 What year was that Mr. Thompson?

A. That was in 1860.

Q.11 Are youacquainted with that part of the Crockett land purchased at the Commissioner's sale by Dr. J. H. S. Morrison, deceased?

A. I have been acquainted with the land for several years, have been all over it.

Q. 12 I will ask you to state if you ever lived on that land so purchased by Dr. Morrison from the Commissioner?

A. I built a little house on that land on the east, but I do not remember the exact time.

Q. 13 I understand that the house was put up near the Field's line. I will ask you to state how long you lived there.

A. I lived there about two or three years possibly.

Q. 14 State whether or not you have been acquainted with and lived in the naighborhood of that land so purchased by Dr. Morrison ever since.

A. I have lived in the neighborhood ever since. Yes sir.

Q. 15 Has any body else but Dr. Morrison and those claiming under him been in possession of any part of that land at any time since you built that house?

A. Not that I know of

Q. 16 By whose authority, or under whom did you go on that land?

A. Under Mr. Crockett's authority.

Q. 17 State whether or not you continued to live on there for some time after Dr. Morrison bought it?

A. I think I did.

Q. 18 State whther or not George W. Rose, Alex. A. Arthur, The American Association Incorporated, or the American association limited, if at any time since you have knwon that land has had possession of any seam of iron ore or worked any seam of iron ore on any part of that 500 acre Robert Crockett land?

A. Not that I know of.

Q. 19 Did you know R. E. Crockett?

A. Yes sir.

Q. 20 Were you acquainted with the land upon which R. E. Crockett lived up to the time he was stricken with paralysis?

A. Yes sir, I know the land.

Q. 21 Did ever George Rose, Alex. A. Arthur, The American Association Limited, the American Association Incorporated, or any person claiming under them, have ever had possession of any part of the land claimed by R. E. Crockett in his life time, or of any seam of iron ore on that land.

A. Not that I know of.

Q. 22 If I understand you correctly, you have lived in the neighborhood of that land ever since the war?

A. Ever since the war, sir.

Q. 23 At what time did R E. Crockett move and live upon that land first?

A. He lived on that land ever since I knew him until he moved off from Station Creek and died.

Q. 24 Do you know about what year he moved to Station Creek?

A. I do not.

Q. 25 Was it before the war closed, or after.

A. It was after.

Q. 26 Mr. Thompson, please state the points, as nearly as you can, where you got this iron ore which George Rose told you he had to pay Crockett for.

A. It was up to the right hand of Billy Gibson's on the ridge. If I am not mistaken I hauled some farther over east.

Q. 27 Didyou know anything about Jeff Cross working there?

A. Yes sir.

Q. 28 Where did he work?

A. He worked all up and down there digging ore.

Q. 29 Did he dig any of the ore which you hauled?

A. Yes sir.

Q. 30 Did George Rose give you the same instructions about all the ore which you hauled?

A. Not that I remember of. He just said haul the loads all alike that was all he ever said to me.

Q. 31 Did you know Bill Cross?

A. Yes sir.

Q. 32 Did Bill Cross ever dig any iron ore there at any time?

A. No sir, he was too young then.

Q. 33 State what relation you are to Bill Cross.

A. I married Bill Cross' sister. I am his brother-in-law.

CROSS-EXAMINATION BY
R. T. Irvine.

Q. L About how long, Mr. Thompson, did you haul ore?

A. I do not remember, sir, how long.

Q.2 As much as two years?

A. No sir.

Q. 3 As much as one year?

A. No sir, I don't expect I hauled over two or three months.

Q. 4 Do you remember the season of the year it was that you did this hauling?

A. It was in the Winter or fall.

Q. 5 You think that was about the year 1860?

A. Yes sir.

Q.6 Why do you fix it as the year 1860

A. I remember it was about the time I married.

Q. 7 How old were you when you were married.

A. I was married in 1860 you can count it up.

Q.8 Were you twenty-one years of age when you married?

A. Yes sir.

Q. 9 were you over twenty-one?

A. Yes sir, I guess I was.

Q. 10 How much over it?

A. I don't remember.

Q.11 About twenty four or five do you think?

A. Along about that I guess.

Q. 12 Did you soldier any during the war?

A. No sir, I was not a regular soldier.

Q. 13 Who was running the furnace at the time you did this hauling?

A. George Rose.

Q.14 When you were hauling whose team did you use?

A. George Rose's

Q. 15 Who else was hauling at that time?

A. I do not remember all the boys. I remember one by the name of Burkett. He had a good many hands.

Q. 16 Did George Rose make any iron after the war?

A. No sir.

Q. 17 Did any body else make any?

A. No sir.

Q. 18 Then no one worked that iron ore after George Rose quit?

A. No sir.

Q. 19 Then no body has had possession of the iron ore from that time only by having possession of the surface, have they ?

A. That question objected to as a question of law that is for

the court to determine and not the witness. Duncan for Deft.

A. Not that I know of.

Q. 20 Did Mr. Rose tell you how much he had to pay Mr. Crockett for the iron ore?

A. No sir.

Q. 21 Did he say he was buying the ore from Mr. Crockett?

A. He said he had to pay for it and was supposed to haul so much at a time, about a ton or a ton and half at a time, something like that .

Q. 22 Where was Robert Crockett living at that time?

A. Living about two miles from there on the Virginia road at the William Gibson place.

Q. 23 What year did George Rose cease to make iron?

A. He quit making iron about the last of the year -60 or the first of 61, but I think it was the last of sixty.

Q. 24 Did you ever hear Mr. Robert Crockett claim that it was his ore?

A. He did not speak to me of it, but it was always considered his by every body, and Rose told me he was getting ore off his land.

Q. 25 You do not know how Rose was getting this ore from this land, uder what kind of an agreement to do?

A. No, he never told me. He said he had to pay for it.

Q. 26 You stated that you knew the location of the 500 acre Robert Crockett patent. State whether or not you know the lines of this patent, or simply know the location in a general way?

A. I do not know the lines, sir.

Q. 27 Did you ever see any of the lines run?

A. I dont remember that I have.

Q. 28 You can not be sure then that the ore you hauled was from the 500 acre patent, can you

A. It was.

And further this deponant saith not.

Signature waived.

Attendants claimed. One day. 50cts.

J. H. S. Morrison another witness of lawful age being duly sworn deposes and says:

Q.1. State your age, residence and occupation?

A. Age 40, Cumberland Gap, Tenn. Lawyer.

Q. 2 Are you a son of the late Dr. J. H. S. Morrison?

A. I am.

Q. 3 Please state if you are acquainted with the tract of land purchased by your father, Dr. J. H. S. Morrison, from A. L. Pridemore, Commissioner at a Judicial sale made about the year 1869 in Lee County, Virginia?

A. I am.

Q. 4 Are your likewise acquainted with the tract of land conveyed to your father by J. H. Crockett?

A. I am.

Q. 5 Please state as nearly as you canwhen your father took possession of these several lands?

A. I can't state just when he took possession of them , but he had possession of these lands at my earliest recollection.

Q. 6 Please state what was the extent of your father's claim to these lands.

A. He cultivated, or had others to cultivate all the cleared land and used timber off of all the timbered lands, and occupied the entire landsand claimed them.

Q. 7 State whether or not your father's claim was to the entirety of that land.

A. It was to the entirety.

Q. 8 When did your father die?

A. L888 or -89.

Q. 9 From the time your father purchased these lands and took possession of them state whether or not there was any adverse claims to his title,or to the land,or any of the mineral on it.

A. I never heard of any until recently.

Q. 10 When you say recently, please state when that was, as nearly as you can.

A. I don't know that to be an adverse claim, when I say until recently. The time I refer to is, when a deed of partition signed by various other parties was returned to mother some time after 1888, and when the deed was received it was opened by my mother in my presents and read and she them made the statement in reference to a reservation in the deed about some iron ore, that there was no such claim in the partition that she and my father had signed for the benefit of the heirs of R. E. Crockett that she had any recollection of. Aside from that mere statement in that deed I never heard of any body else claiming the iron ore until this suit was brought. I did not know they claimed it until this suit was brought. This I might say applies only to that portion of land conveyed to my father by James H. Crockett.

So much of the foregoing answer as relates to a statement made by his mother is objected to as incompetant and irrelevant.

R. T. Irvine.

Q. 11 After the death of your father, who went into the possession of these lands formerly owned by him.

A. Myself, two brothers and a sister.

Q.12 State whether the possession of your brothers and sister was an actual possession either by use or by tenant?

A. We had tenants at all times on the property, and we used it ourselves at all times.

Q. 13 State the extent of your claim to the land.

A. Title in fee to everything, the whole land.

Q. Please state whether or not George W. Rose, his heirs, A. &.

Arthur, The American Association Limited, the American Association Incorporated, ever at any time within your recollection had possession of any iron ore or iron ore seam on any of the lands embraced within the boundary of your father's deeds from A. L. Pridemore or James H. Crockett, or to any part of the tract knwon as the 500 acre Robert Crockett tract of land.

A. They have not.

Q. 14 Do you know where the old Crockett furnace is located on the old Indian Creek?

A. Yes sir.

Q. 15 Please state whether or not that furnace has ever been in operation at any time since your earliest recollection.

A. I know the old furnace and it has been in ruins ever since I can remember, and ever since I first saw it when I was a small boy.

Q. 16 The plaintiff in its bill alleges that while it was in possession of said iron ore on said tract of land, (in the Crockett 500 acre tract) that Wm. Gibson, Wm. Causby, Chadwell Pridemore, Vincent Causby, Kate Causby, W. B. Stidham, Martha Thompson, Martha J. Gibson, Wm. Morrison, J. H. S. Morrison, George P. Morrison, Minnie Richmond, without the knowledge or concent of the plaintiff have entered upon different portions of said land and are and have been mining and moving the iron ore therefrom and disposing of it &c. Now I will ask you to state if this plaintiff, The American Association Incorporated, was ever at any time in possession of that tract of land of of any iron ore in, on or under it since your earliest recollection?

A. It was not.

Q. 17 I will ask you further, when you and your brother and sister and those claiming under you entered into said land and mined ~~mined~~ the iron ore or permitted it to be mined, did you do it under a claim of right or as a trespass.

A. Under a claim of right.

Q. 18 You may now state whether or not that right of yours was ever disputed by any body until the institution of this suit?

A. I never heard of any body disputing our title and right until a few days or possibly weeks before the American Association brought this suit, when its agent ~~xxxxxxxxxxxxxx~~ claimed that it had the title to the iron ore.

Q. 19 Did they at any time claim that they had possession of it to you?

A. No such statement as that was ever made to me. I will say further in this connection, that the first time I ever heard of the Association claiming this iron ore was a few weeks at most prior to the bring of this suit? Mr. Templing, their agent claimed that the iron ore was owned by the Association. The way he stated it was that we have this iron ore on our books and want to find out whether or not it is ours, and if not, so we can take it off our books, this is substantially his statement, and as near the exact words as I can state, and am positive is about the statement he made.

Q. 20 Are you acquainted with Wm. Cross?

A. I am

Q. 21 Please state about the age of Wm. Cross, and whether or not he would have been able to have mined ore in the year 1859 or 1860, or any time prior to that date.

All that part of this question except that part asking for the age of the witness is objected to as incompetant and immaterial.

R. T. Irvine.

A. I do not know the exact age of said Cross, but I have known him well all of my life, played with him when I was a small boy and am sure he could not be older than I am if that much, and I am sure he could not have been old enough to have mined ore or done any work of any kind at that time.

Q. 22 State whether or not you or your father ever mined or dug any ore from that part of the Crockett land claimed by yourselves and covered by the deeds from A. L. Pridemore, Commissioner, and James H. Crockett, deceased, if so when you did so and to what extent.

A. We never took any off, but at the time of the Exposition at New Orleans we dug on that part of the land conveyed to my father by said Pridemoer, Commissioner, in order to get a large block to send to the Exposition, as a part of the exhibit from the state of Kentucky, at the request of the State Geolôgist of Ky. The ore was not sent from the fact that the funds were so limited for the purpose I did not succedd in getting out a block and did not send it in.

Q. 23 I will get you to state now whether or not the American Association Incorporated about the time they were making purchases about the years 1887 up to 1890 did not have several openings made on lands in this County, and when doing this they did not touch this 500 acre tract of land.

A. About the year 1889 the American Association made numerous openings near Cumberland Gap and from Cumberland Gap down into Tennessee along Cumberland Mountain for a distance of six or seven miles from which a great many samples of iron ore were taken, They did not make a single opening on the lands owned by my father, and if any opening was made by them on any other part of the 500 acre tract of land I never saw it or heard of it.

Q. 24 Do you remember R. C. Ballard Thruston, or any person coming here at one time and proposing to lease from the American Association their iron ore in this vicinity, and if you state you do, I will ask you do you remember you it was with Mr. Thruston, and state whether or not atthat time the American Association did not [illegible] have this tract of land marked

out of their claim and said they could not lease ~~it~~ the iron ore on that land because it did not belong to them, or any words of that kind?

A. I remember a Mr. Thruston and some party being here at one time, but I could not say now who that party was. They were here, as I remember for the purpose of examining iron property and the party with Mr. Thruston, and an agent by the name of Welker as I remember went down to the American Association's iron property southwest of Cumberland Gap, if they were ever on ayy property in any other direction I did not know it. I did not hear the statement made between the representative of the Association and Mr. Thruston, and do not know what they said about this matter.

CROSS EXAMINATION BY
R. T. Irvine.

Q.1 What year was the New Orleans Exposition referred to by you?

A. I can not state just what year that was, but my recollection is that it was the year 1884. I may be off two or three years. It might have been in 1885. I am not positive about this.

And further this deponant saith not.

Signature waived.

W. E. Morrison, antoher witness of lawful age being duly sworn deposes and says:

Q. State your age, residence and occupation?

A. I am 45. Cumberland Gap, Tenn. Am a physician.

Q. 2 Are you a son of the late J. H. S. Morrison, deceased?

A. Yes sir.

Q. 3 Please state, if you remember, when your father purchased the west end of the Crockett 500 acre survey from the Court Commissioner, and also that portion which was conveyed to him by James H. Crockett?

A. The first I remember about it , I was a small boy when it was first run out. I was with them. I might have been ten I might have been older. The land was surveyed and he took possession of it.

Q.4 After your father purchased said lands and they were run out as you have described above, he took possesion of them and lived on a portion of them until his death did he not?

A. My father lived there during his life time.

Q. 5 After the death of your father, who took possession of said lands and what sort of possession was it.

A. The heirs.- my mother, brothers and sister, until my mother died she had charge of it. We cleared and cultivated it some.

Q. 6 State whether or not these lands have been in the continuous, open, notorious and exclusive possession of your father, wife, and his heirs since his death and those to whom they have sold parts thereof from the time he purchased said lands, and they were run off to him down to the present.

This question is objected to as tending to prove possession of the iron ore separate from the surface of the land, and also as asking the witness for a conclusion of law instead of facts.

R. T. Irvine.

A. Yes sir.

Q. 7 State what your possession has been. I mean by that, I want you to state whether or not there has ever been a time since the time your father purchased these lands down to the present, that there has not been a renter on that land holding and occupying it under your father or his heirs.

A. All the time.

Q.8 Please state whether or not, at any time since your father's purchase of that land and it was run out to him, did ever George W. Rose, A. A. Arthur, The American Association Limited, The American Association Incorporated, or any persons claiming, under, through or by them, at any time, ever have any actual possession of any part of that land, or any iron oreon, in, or under it?

A. Not that I ever knew of. Two or three years ago, I can't

say the exact time the ore was claimed by the American Association, but I heard nothing of that until just two or three years ago until this suit first came up.

Q. 9 But you do know that they never stuck a pick into that land & claiming to take possession of it?

A. If they did I never heard of it.

Question objected to as leading.

R. T. Irvine.

Q.10 Please state if the American Association Incorporated or any person claiming under them, or the American Association Limited or any person claiming under them or George W. Rose, or any person claiming under him have ever dug any iron ore on that tract of land since you have known it.

A. No sir.

Q. 11 How closechave you lived to that land for the last 45 years?

A. I It is about 1/2 mile to the nearest part of it. Something like that.

Q. 12 I will ask you now to state if the American Association Limited and American Association Incorporated have not, through their agents and employees dug iron ore on lands adjoining this tract?

A. I mean by that that Iron ore was dug on their lands and shipped to Middlesborough?

A. It was done, but I do not know that the American Association had it done.

Q. 13 Are you acquainited with the Crockett 500 acre tract of land?

A. I am.

Q. 14 Since your earliest recollection has George Rose, the American Association Limited, The American Association Incorporated or any person claiming through, under or by them, ever,at any timebeen in possession of , or mined any ore on any part of that land?

A. Never have, that I know of.

CROSS EXAMINATION BY,

R. T. Irvine.

Q. 1 Do you know, Doctor, the 500 acre tract of land separate from the other Crockett land or do you just know the Crockett land?

A. I just know the Crockket lands generally. I do not know any of the lines.

Q.2 You spoke of ore being dug from adjoining lands of the American Association and shipped to Middlesborough furnace. Were these lands adjoining the Crockett lands that you refer to?

A. Yes sir.

Q. 3 Do you know what part of the American Association's lands that ore was dug and shipped from?

A. Yes sir. The American Association bought the land from Dr. Divine and the Newley heirs. And then ore was shipped by the Eastern Kentucky Land Co.

Q. 4 The land you refer to as being bought by the Association from Dr. Divine and the Newley heirs is laying around and near the town of Cumberland Gap, is it not?

A. Yes sir.

Q. 5 It is near the railroad is it not?

A. It is about 1/2 mile from here (Cumberland Gap, Tenn) it was hauled to this p oint; and also ore from the Crockett lands was hauled here and shipped by the defendants.

Q. 6 The American Association, (The plaintiff in this suit) had nothing to do with the Eastern Kentucky Land Company's land and shipments of ore did it?

A. None what ever that I knew of.

Q. 7 Who did the mining of the ore for the American Association on the lands near here that you have just referred to?

A. I do not know.

Q. 8 Did not your brother George P. Morrison do the principal part of it?

A. I am not positive, but I think he did do something, and here in

the last year or two I think he did the most of it.

RE-DIRECT EXAMINATION BY
C. T. Duncan.

Q. L Please state how close to this land belonging to the Morrison heirs ore was mined and shipped from the lands of the American Association Incorporated?

A. 100 yards I guess, just a short distance. They were mining on one side of the line, and those other fellows on the other.

Q. 2 Did you know Mr. R. E. Crockett?

A. Yes sir, I knew him well.

Q. 3 Did you know where he lived?

A. Yes sir.

Q. 4 Did the American Association Limited, The American Association Incprporated or A. A. Arthur, or George W. Rose at any time after you became acquainted with R. E. Crockett ever have any possession of or do any kind of mining for iron ore in, on or under the R. E. Crockett land now claimed by W. F. Stidham and wife?

A. No sir.

Q. 5 How long did you know R. E. Crockett?

A. From the time I could remember.until his death. I suppose thirty years.

And further this deponant saith not.

Signature waived.

× Adjourned to meet again to-morrow at the law office of W. G. Colson, in Middlesborough, Ky.

Notary's Fee $. 6.00

Met August 31st, 1905, pursuant to adjournment at the law office of W. G. Colson in the City of Middlesborough, Kentucky.

G. W. Epps, another witness of lawful age, being introduced for W. G and C. M. Colson and being duly sworn deposes and says.

Q.1 State your age residence and occupation?

A. I was born April 14, 1836. I live in Lee County, Virginia, on the Colson land. I get my mail at Humphrey, Va. I am a farmer.

Q. 2 About how long have you been living where you now live?

A. I moved there last September.

Q. 3 Do you know the tract of land said to contain 500 acres, known as the Robert Beaty survey?

A. I only know where they say it is.

Q. 4 Do you know live on a portion of what you understand to be the 500 acre Beaty survey?

A. I never knew how many acres there was. I do not know whether I live on it or not. I live on the land that Old Billy Woodson claimed.

Q. 5 Mr. Epps in the survey of the 500 acre patent to Robert Baety you will find this call: with Jones's line N. 84 E. 222 poles to a pine, state if any person ever showed you where that pine stood, and if so, who showed it to you and about when.

A. No body ever showed it to me, I never knew anything about it. I do ~~xxx~~ know one pine corner.

Q. 6 About where was that pine corner?

A. It was in a sand field.

Q. 7 Where is that sand field with reference to the house in which Mr. Stidham now lives?

A. It is north of that, right up Station Creek a little to the left of the Creek standing in a field up the fence inside of the field.

Q. 8 Who showed you that place to be a pine corner?

A. Jim Burkett. He was a chain carrier. At one time when D8 mortimer was making some kind of a deal about the land they ran to a rock pile and said that was were the pine stood.

Q. 9 Do you remember how the survey was run on that occasion?

A. No sir, I do not. Mr. Crockett run it once, but we stopped and did not come to the pine corner.

Q. 10 About when was this surveying that you have in your mind done?

A. It was about 1876.

Q. 11 Where were you living at the time this surveying was done when this pine corner was showed you.

A. I was living on the Billy Woodson farm on Indian Creek.

Q. 12 How far away from the pine?

A. In about one mile or 1 1/2 miles.

Q. 13 Mr. Epps do you know of any iron ore being dug on this Robert Beaty survey of land?

A. No sir, I do not.

Q. 14 Do you know of the American Association Limited, the American Association Incorporated, A. A. Arthur, George Rose, or any person or persons for them at any time taking any iron ore from off this land?

A. No sir,I saw where some iron ore had been dug, but don't know who dug it.

Q. 15 Do you remember of there being a furnace on Indian Creek?

A. Yes sir.

Q. 16 About when did they quit making iron at that furnace, if they ever quit.

A. They quit about 61 or 62 some where along there. There was a fire there once when I stayed all night with Mr. Rose, and after I left there Mr. Rose went to Memphis.

Q. 17 Has there ever been any iron ore made there since to your knownedge?

A. No sir

Q. 18 From the eastern portion of the Beaty 500 acre survey, state whether or not you ever knew of Mr. Woodson ever having taken timber from it in his life time?

A. I am not able to say that, because he was a man when he took a notion to get timber he got it. If I knew where the survey ran up into the timber I could tell. He got timber up back of his house to build the house where Squire Lankfort now lives, and timber to build some cribs, and also some posts, that I remember of.

Q. 19 Where is theSquire Lankfort house that you spoke of, on the Poor Valley Ridge or on the Mountain side?

A. It was on the Poor Valley Ridge next to the Mountain side.

Q. 20 On which side of Station Creek is this house?

A. On the north side.

Q. 21 About how long ago has it been since Mr. Woodson had the Lankfort house built and got the timber for the cribs and posts you speak of.

A. I can not tell how long it has been, it has been, I expect something like thirty or thirty-five years. There had been one built there before that and it gave way and they tore it down and built a new one.

Q. 22 You may state whether or not Mr. Woodson in his life time, and Mr. and Mrs. Colson since his death has kept some one on that place in the Lankfort house up to the present.

A. If it has ever been empty a day I never knew it.

Q. 23 Was there any land cleared around the Lankfrot house and fenced?

A. Yes sir, there was a field on the right hand side of the creek of about three or four acres that was cleared and fenced.

Q. 24 You may state whether or not if you ever heard any body disputing the ownership of this land, or to any of the iron ore

up there until you heard of the suit instituted by the American Association?

A. I never did.

Q. 25 You stated a few minutes ago you had seen a place or two where iron ore had been mined on this land, tell as near as you can where these points were with reference to the Lankfort house?

A. It is west of the Lankfort house towards Cumberland Gap. It must be 3/4 of a mile from the house.

Q. 26 Do you know who claimed the land where this digging was done whether it was Gibson or Morrison?

A. I do not.

Q. 27 How long since you first noticed the places where this digging was done?

A. About five or six years, when I noticed it particularly, I rem ember to have noticed it something like twenty years ago, but not particularly.

Q. 28 Do you know who had that digging doen?

A. I do not.

Q. 29 Do you remember of having built some fence once for Mr. Crockett, and him giving you directions where to build it &c.?

A. Yes sir.

Q. 30 Where was that fence you built for Mr. Crockett.

A. It was to begin over at a beech corner between Woodson's and Crockett's, that was Mrs. Evan's part over there but I had to come along there and enclosed the whole field.

Q. 31 What directions did he give you about cutting timber?

A. He told me not to cut any timber up above the road or I would cut on some one elses land.

Q. 32 What Mr. Crockett was that ?

A. Elliott Crockett.

Q. 33 Where was R. E. Crockett living at that time, do you remember?

A. He lived in the buildings at the Stidham place.

Q. 36 Now where was this fence from where Mr. Crockett was then living?

A. A little to the right of George Ball's about 75 yards from where he lives now.

Q. 37 What direction was that now from R. E. Crockett, now the Stidham house?

A. Right up north of Station Creek.

Q. 38 On which side of Station Creek was it that you built this fence?

A. The north side.

Q. 39 Is there a fence there now about where you built the fence that you speak of?

A. Yes sir.

Q. 40 Mr. Epps do you remember about old Billy Woodson several years ago building or having built a still house some where there?

A. Yes sir above there next to the mountamn.

Q. 41 How long ago has that been?

A. I could not get the exact time, it was when I lived on the Crockett place that they built the still there. Mr. Woodson owned the place and rented it to me.

Q. 42 If you can not give the exact time, give some idea of the time, how long before old man Woodson died.

A. It was about twenty-five years ago. It might have been some longer.

Q. 43 How far was this still-house from the Lankfort house you spoke about?

A. It is one mile. and is on the south side of the mountain.

Q. 44 From what land was the timber taken, if you know, to build this still house.

A. I do not know, we cut the timber about where the still-house was built and old man Woodson claimed it.

Q. When you say old man Woodson what Woodson do you refer to?

A. Old Billy Woodson.

Q. 46 Was Billy Woodson father of D. K. Young's wife as you under-

stand it?

A. Yes sir.

CROSS EXAMINATION BY R. T. Irvine.

Q. 1 In what direction from the Lankfrot house was the still house?

A. It was west, towards Cumberland Gap about one mile.

Q. 2 Was it west of R. E. Crockett's land?

A. It was west I guess, I have not got knowledge enough to know just how it was, but Mrs. Evans had a pieve and R. E. Crockett had a piece, and the still house was north of Mrs. Evans' part.

Q. 3 How far was it from the George Ball house, where George Ball now lives?

A. Thee-fourth of a mile, and may be a little further.

Q. 4 In what direction?

A. North of George Ball's

Q. 5 Then the still house must have been on the land claimed by Mrs. Evans, was it not?

A. I do not know, Mr. Woodson claimed it was all I know.

Q. 6 Was it a licensed still, or a moonshine still?

A. I would call it a moonshine still. They cut it up any how.

Q. 7 Do you mean the Governement Officers distroyed the still?

A. The Raders we called them come and cut it up.

Q. 8 They were United States Marshals were they?

A. Yes sir.

Q 9 About how long ago was that?

Q. 10 I could not tell you. I don't remember, I never thought about it.

Q. 10 Was it about twenty or twenty-five years ago?

A. It has been about twenty years ago, something along there, twenty or twenty-five.

Q. 11 Who was then living, if any one, on the Mrs. Evans land?

A. I don't remember now who did live on the Mrs. Evans place,

there was so many that lived there in the cabin house I could not tell. John Crockett was living there awhile, John Rorack lived there at one time, but I believe it was Liz Jackson that lived there at the time the still was cut up.

Q. 12 Old man Billy Woodson had a way of cutting timber almost any where he wanted to up in those mountains, did he not?

A. I don't know, he would often tell us where to go and cut timber and no body ever objected.

Q. 13 You spoke of a beech corner where you stated to build that fence, what beech was that and who was it a corner between?

A. Be tween Mrs. Evans and Old Billy Woodson.

Q. 14 Was it an old recognized corner?

A. Yes sir.

Q. 15 How did you run the line of fence from that beech?

A. Went right up the ridge and when we got to the top of the ridge we turned across to where David Barnes lives, from the beech we went in a northward direction to the top of the ridge then we kept on north until after we crossed Station Creek, after we crossed the Creek we left the line and turned west and went one or one half mile, I expect it was a mile. We went west until we struck Elliott Crockett's line, then we still followed on west ~~xxxxxxx~~ coming to Cumberland Gap until we struck the top of the ridge, we turned south and went about 100 yards and then we stopped.

Q. 16 Did you build the fence in on Mr. Crockett's land?

A. Yes sir, it was the old fence, we were re-setting it and straightened the line.

Q. 17 You were doing this work for R. E. Crockett were you?

A. Wiley Redman had rented it from him, and he was doing this work, and Crockett was to pay him out of the rent?

Q. 18 The land that you were fencing then, if I understand you, was Mrs. Evans' land and part of the R. E. Crockett land?

A. Yes sir.

Q. 19 At what point on this fence building did R. E. Crockett tell you not to cut any timber above that line that the land belonged to some one else?

A. It was right there close to George Ball's.

Q. 20 Was it east or west of George Ball's.

A. It was north of George Ball's.

Q 21 Did he say whose land it was?

A. No sir he did not.

Q. 22 Do you know where the line of the Feild's survey runs there on the mountain side?

A. Yes sir, I know where it lays. I helped cut timber off of it for Paton and Swap.

Q. 23 Was the land he was talking about below the Feild's survey or above it.

A. It was above it.

Q 24 I mean was it down on the mountain side on the Field's land or on the Crockett land?

A. It was right straight up towards Jonesville, that is east from where we cut the timber on the Feilds land.

Q. 25 Mrs. Evans land and Mr. Crockett's land runs up in and above the George Ball house until it joins on to the Field's line, did it not?

A. I do not know.

Q. 26 Did not Mrs. Evans and Mr. Crockett claim all that land up in and to the Feild's line?

A. I do not know. Andrew Crockett claimed some up in there.

Q. 27 The Andrew Crockett's land joined this Mrs. Evans land, and lay up east from Cumberland mountain, did it not ?

A. I do not know, it joined Mr. Morrison's land, I cut down a line tree myself for a coon.

Q. 28 You do not know, do you, what surveys cornered on the old pine where they told you it was a corner?

A. I do not.

Q. 29 What was Mr. Crockett surveying at the time you were along, and you said that he stopped short of the pine?

A. He was running a line, then, I suppose between Woodson and other parties.

Q. 30 When was that?

A. It has been a good while ago. Jim Hamelton knows, he was a chain carrier, Burl Gulley was the other, but he is dead.

Q. 31 In going to that old pine corner where they showed you from the Stidham house, did you go from Station Creek towards Cumberland Gap to get to that corner? That is, did you go west from Station Creek to get to the corner?

A. You would go right up the Creek about onehalf mile and then turn down a little north.

Q. 32 You never helped run out the old Beaty 500 acre survey did you?

A. No sir. I was along when they were running it through, but I knew nothing about the survey. I was with them a day in there.

Q. 33 Is there any one else liming who helped in that survey except Jim Hamelton?

A. I do not know of any one else, Mr. Henry Patton might have been along, and I suppose he is living.

Q. 34 You said Burl Gulley is dead, I believe?

A. Yes sir.

Q. 35 From that old beech that you refer to the land on the southeast was the Woodson land was it?

A. Yes sir.

Q. 36 And the land on the west was the Evans and Crockett land?

A. Yes sir.

Q. 37 Mr. Woodson owned the land on the east going on up that line that you run from the beech north to the top of the ridge, did he not?

Q.38 He did not claim any on the west inside of the fence you built?

A. If he claimed any inside of the fence I never heard of it.

And further this deponant saith not.

Attendence claimed, One day. 5 cts.

Signature waived.

"""

John Bush another witness of lawful age being duly sworn deposes and says:

Q. 1 How old are you Mr. Bush?

A. I am about sixty years old I recon.

Q. 2 Where do you live?

A. I live on Mr. V. Carmoran's place above Mr. Gibson's in Lee County, Virginia.

Q. 3 Did you know Wm. Woodson and George W. Rose during there life time?

A. Yes sir, I worked for them both.

Q. 4 Did you ever work for Mr. William Woodson in his life time on the land north of the house where David Barnes now lives on Station Creek, and if so, what kind of work did you do?

A. Yes sir, I made rails.

Q. 5 Where did you get the timber to make those rails?

A. On the ground.

Q. 6 What was done with the rails after you had made them?

A. He hauled them and put them up, I do not know where he put them?

Q. 7 In what direction from the David Barnes' house was it, that you made these rails?

A. North I reckon.

Q. 8 About how long ago has it been since you made those rails?

A. I do not know, I never kept any account of it, it was when Mr. D Mortimer had the timber cut up there.

Q. 9 Was there any house then standing where the David Barnes house at the time you cut these rails?

A. I do not think there was.

Examination by C. T. Duncan for defendants.

Q. 1 Mr. Bush were you acquainted with Elliott Crockett?

A. Yes sir.

Q. 2 How long did you know him?

A. I knew him eight or ten years I guess.

Q. 3 How close did you live to him.

A. I lived in about one mile of him, I guess.

Q. 4 How long did you know him living on the land where Stidham now lives?

A. I do not know how long, I never paid any attention to it, and I could not say how long for I don't know. I would guess about two years after the war.

Q.5 Was he living at that place ~~xxxxxxxxxxxxxxx~~ where Mr. Gibson now lives when you first new him?

A. Yes sir.

Q. 6 How long was it until he went to the place where Stidham now lives?

A. He lived there about four or five years before he went to the Stidham place.

Q. 7 Ten did he continue to live there at the Stidham place until he became paralyzed and went to his daughter's.

A. I do not know whether ~~xxxxxx~~ he was paralyzed there or not. He lived there several years, and went from there to his daughter's Mrs. Gibson's.

Q. 8 During the time he lived there, did he claim to own the land where he lived?

A. Yes sir, I think he did, I do not know.

Q. 9 During the time he lived there, did Alexander A. Arthur, George Rose, The American Association Limited, The American Association Incorporated ever take any iron ore from the land he lived on.

A. Not that I know of, sir.

Q. 10 Did you know Bill Cross?

A. Yes sir.

Q.11 Which is the oldest, you or Bill Cross?

A. I guess I am, a little.

Q. 12 About how many years?

A. I do not know.

Re-direct examination by E. W. Pennington.

Q.1 Mr. Bush where you ever showed a pile of rocks at any point by any of the Crockett heirs as being the place where they claimed to have been a pine corner, and if so, state who showed it to you, and about when?

A. I do not know anything about it.

Q. 2 Do you know where the point is that is claimed by Colson to be the pine corner?

A. No sir.

Q. 3 Did any person ever show you where they claimed to be a corner a little northwest of where George Ball now lives?

A. Not that I remember of.

CROSS-EXAMINATION BY R.T.IRVINE.

Q.1 How old were you when the war came up?

A. I was young when it came up, I was not old enough to be conscripted.

Q 2 Do you remember the year in which you were born?

A. I do not know that I do right now.

Q. 3 Are you not over sixty now?

A. Now sir, I guess not.

Q. 4 You were a good sized boy at any rate when the war came up were you not?

A. I was a good sized boy, yes.

Q. 5 You were twelve or fifteen years old were you not?

A. I might have been.

Q. 6 How many rails did you make at the time referred to by you?

A. I guess we made about one thousand, me and Mr. Southern together.

Q. 7 What Mr. Southern?

A. George Southern.

Q. 8 You knew nothing of the lines of this tract of land near where you made the rails?

A. No, I never knew anything about them.

Q. 9 You do not know what land the rails were made on?

A. Mr. Woodson's land I reckon, he said it was his.

Q. 10 You did not know how he claimed it?

A. No/ I do not.

Q. 11 How close was it to the land where D'Mortimer had cut off the timber?

A. It was the land he cut the timber off, it was the saw stock that was split up into rails.

Q. 12 If I understand you then, it was some of the timber that was cut down by the D' Mortimer hands and left on the ground and Mr. Woodson had them split up into rails?

A. Yes sir.

Q. 13 How far up the mountain side above the Barns house was that?

A. Two or Three hundred yards, I guess, may be something like one-fourth of a mile.

Q. 14 Mr. George Southern is still living is he not?

A. Yes sir, he was a few days ago.

And further this deponant saith not.

Attendants claimed One day. 50 cts.

Signature waived.

"""""""""""""""""""""""""""""""""""""""

George W. Ball another witness of lawful age being duly sworn deposes and says.

Q. 1 State your age, residence and occupation?

A. I will be 72 the first day of next December. I live on Station Creek about one-half mile north east of the house of W. B. Stidham, and am a farmer.

Q. 2 How long have you known the lands and places around where you now live?

A. I have known these places all my life, and have lived near them about twenty years.

Q. 3 Do you know a pile of stone or rock laying north or northwest from where you live as a corner of some land, if so tell who pointed it out to you as being a corner and what kind of a corner or timber originally stood at the place?

A. I remember of R. E. Crockett and John Crockett telling me it was there. R. E. Crockett's son John said his father had it cut down and a pile of rock put over the stump. I did not see the tree.

Objected to as hearsay.
R. T. Irvine.

Q. 4 How long ago was it that R. E. Crockett told you that the pine stood where this pile of rock now is?

A. Fifteen or Sixteen years ago. I was living right across there at the time. I was living in a little cabin on the land.

Q. 5 If he stated, what did he say it was a corner to, that is , to what land?

A. His land, Jones' survey and the Beaty survey all cornered on that pine.

Q. 6 State , if you remember where John Crockett was living at the time he told you about his father cutting down the tree?

QA. He was living right where I live now, in a house that got burned.

Q. 7 On whose land was he living.

A. He was living on his father's land, or the heirs land, the field that went to Aunt Jane Evans in the divide.

Q. 8 Did you ever hear any body else say that the corner stood at or about the rock pile, if so, who?

A. Yes sir, I have heard several say so. It was generally talked. I could not state who said it now.

Q. 9 Then the general understanding and talk in the neighborhood was that this pine tree stood where these stones were you speak of, was it?

A. Yes sir.

Q. 10 The foregoing question and answer objected to as incompetant. R. T. Irvine.

Q. 10 Do you know where the David Barnes house stands?

A. Yes sir.

Q. 11 Please tell where it stands and on whose land?

A. It stands right northeast of my house up a creek said to be on the Beaty survey, I believe it is that, old man Woodson claimed it and I suppose it was his.

Q. 12 If you can tell state about how long this house has been there?

A. Six or seven years I guess.

Q. 13 Were you acquainted with the places around the David Barnes house before the present Barnes house was built?

A. Yes sir. There was a piece of ground cleared up there, and a log house stood about twenty or thirty yards south of that, that got burnt up.

Q 14 How long did you know the house that was burnt up?

A. I could not tell now, It was put up before the war.

Q. 15 At the time you speak of who was claiming the ownership of th e land?

A. Old Billy Woodson had the house put up.

Q. 16 Around this first house on the Barnes place was there any cleared land, if so about how much, and about how long ago was it cleared.

A. It was cleared when the first house was put up. There has been no clearing done since the Barnes house was built. The Barnes house was put up in the cleared ground.

Q. 17 On which of the surveys do you understand that the house was on?

A. On the Beaty survey. It was on the Woodson land, he claimed it I don't know who it belonged to.

Q. 18 In all your acquaintance with the land, say east of where you understand the pine corner to be, did you ever know of any person digging any iron ore from there?

A. Not until the last three or four years.

Q. 18 Had there been any taken would you have known it?

A. Yes sir, if it had been taken before that I would.

Q. 19 Do you know of Wm. Woodson, D. K. Young, W. G. and C. M. Colson exercising any act of ownership, if so what was it?

A. No sir.

Q. 20 To refreash you memory, was there not a still house built on this land?

A. Yes sir, it was built north of where I now live.

Q. 21 About how long has it been since this still house was built that you have in your mind?

A. Twenty-six or eight years ago.

Q. 22 Who had that done if you know?

A. They said Woodson had it done. I was there while they were stilling, but I do not know who had it built.

Q. 23 Who had charge of the still house spoken of?

A. Old man Woodson. gave them leaf to put it there, son Redman the Stiller told me.

Q. 24 Was Redman on the place at the time he told you this?

A. He was on the Crockett place.

Q. 25 And if I understand you, he told you he was he was there by the permission of old man Woodson?

A. Yes sir, he told me Woodson gave him permission to put it there.

Q. 26 What Redman told the witness is objected to as hearsay.

R. T. Irvine.

Q. 26 Examination by C. T. Duncan for the Morrison heirs.

Q 1. Are you acquainted with R. E. Crockett?

A. Yes sir.

Q. 2 How long did you know him?

A. I could not tell you, sir, I lived in the neighborhood with him very nearly all my life until he died.

Q. 3 Do you remember about what time he moved to the house where W. B. Stidham now lives?

A. No sir, I can not tell you.

Q. 4 How long did he live on that place after you went into that

neighborhood until he went off to his daughter's?

A. I can't tell how long, some twenty odd years. I was there twenty-two or three years, and he was living there when I came down into that neightborhood, and then he was paralyzed and they sent him off. I was living on the main Virginia road when they sent him off.

Q. 5 During the time that Elliott Crockett lived there did he claim that land as his own?

A. Yes sir.

Q. 6 Are you acquainted with the land that Dr. Morrison owned up there that he bought at the commissioners sale of the Crockett land.

A. I lived on it for four years after Morrison moved to the Gap. I am well acquainted with it.

Q 7 From the time of your earliest recollection, did you ever know George W. Rose, A. A. Arthur, The American Association Limited, The American Association Incorporated, or any person claiming under them to be in possession of any kind, or use ~~in~~ iron ore off the Morrison land, the Martin Beaty land the Andrew Crockett land, the R. E. Crockett or the Mrs. Evans lands.

A. Yes sir. I knew of them hauling iron ore from there. I never knew that they hauled any off the Mrs. Evans part, but Andrew Crockett and the Morrison land, I knew of them hauling ore from there. I knew the man that raised the ore, Jeff Cross. I have been at his house when he was raising ore.

Q. 8 When was that done?

A. It was before the war.

Q. 9 What I mean to ask is, did you ever know of any of the persons mentioned above to dig iron ore from there since the war?

A. No sir.

Q. 10 If there had been iron ore mined off that land since the war could it have been done without your knowledge?

A. It could not have been done without my knowledge.

Q. 11 Since R. E. Crockett went to his daughter's after being stricken with paralysis, who has been in possession of that land owned by him?

Q. A. I could not tell you exactly, Mr. Stidham has been in possession of it until about three years , and then first one and then another has been there,

Q. 12 By way of refreashing your memory ~~has~~ I will ask you if Mr. Bird Johnson has not been puperintendingit for some parties from the time R. E. Crockett left to the time Stidham came?

A. Yes sir. I have seem him there a good many times.

Q. 13 Has there been any time since the war that these lands have not been occupied by some body?

A. There has been some of it occupied ever since the war.

Q. 14 Has not the Morrison land been occupied until 1870 by some one living on it continuously?

A. Yes sir, I think there has. I lived on it for four years, and different men lived on it, a Mr. Shoemaker and others.

CROSS EXAMINATION BY R. T. IRVINE.

Q. 1 If I understand you correctly n o body has dug ore there since the war up until in the last three or four years, is that correct.

A. That is correct.

Q. 2 You said R. E. Crockett claimed the land he lived on as his own, do you know whether or not he claimed the iron ore on it, or just the surface of the land?

A. He claimed the iron ore, he told me so himself.

Q. 3 Did he not tell you that his father had sold that iron ore to George Rose?

A. No sir, he did not.

Q. 4 Did you not know that he had sold it to George Rose before the war?

A. I had heard it spoken off, but I did not know it to be so.

Q. 5 Was it not a fact that the Crockett heirs generally admitted that George Rose had bought the iron ore?

A. I never heard any of them say anything about it only what R. E. Crockett said about the iron ore on his land being his ore. He dug out a right smart little place but never hauled it away.

Q. 6 Do you know who it was that did that digging?

A. Bill Cross was one. I can not remember the other men that did the work.

Q. 7 When was it that Bill Cross and others did that digging?

A. About sixteen years ago, I was there just below where they dug on the Crockett land at that time.

Q. 8 Do you know who Cross was working for?

A. He was working for Paton & Swap.

Q. 9 What was Paton & Swap doing with that ore?

A. They had a furnace at Cumberland Gap, [illegible].

Q. 10 Did they haul some of that ore to their furnace at Cumberland Gap?

A. I could not tell you I never saw them hauling it.

Q. 11 Who did Paton & Swap buy their ore from?

A. I could not tell you that.

Q. 13 You never heard of them buying any from Mr. R. E. Crockett did you?

A. No sir.

Q. 14 Did they not buy ore from George Rose?

A. I could not tell you that, they bought it from some one I could not tell who.

Q. 15 Paton and Swap operated that furnace thirty or more years ago did they not.

A. It has been that long I guess.

Q. 16 And Will Cross was raising ore for them?

A. He tested a piece of ore for them about one-fourth of a mile from where I was living.

Q. 17 Did Mr. R. E. Crockett say that he allowed them to test the ore and to go in there on the surface.

A/ He said he gave them permission to see how thick the ore was.

Q. 18 That was what he said to you?

A. Yes sir.

Q. 19 You had no particular conversation with him about the ore except what you have just stated?

A. No sir, none at all.

Q. 20 Is Wiley Redman still living?

A. If he has not died recently.

Q. 21 Whose land do you live on now?

A. Mr. W. G. Colson's land.

Q. 22 Was that the land he bought of Mrs. Evans.

A. Yes sir, a portion of the Evans land.

Q. 23 Was that in the Beaty survey you have been talking about.?

A A part of it was.

Q. 24 All the land that Mrs. Evans sold to Mr. Colson was inside of the 500 acre survey, was it not?

A No sir.

Q. 25 What other land did Mrs. Evans own up there?

A. She owned a portion of the Crockett survey, it was a part of the R. E. Crockett land, and that was divided up among the heirs and Mr. Colson bought her interest.

Q. 26 You mean that it was a part of the Robert Crockett land?

A. Yes sir.

Q. 27 R. E. Crockett claimed a part of it as owned by Robert Crockett?

A. He claimed it all except what Dr. Morrison bought, and had control of it until it was divided up.

Q. 28 Mr. Woodson never claimed any of that Crockett land did he?

A. No sir, he never claimed it.

Q. 29 He claimed east of the Crockett land did he not.

A. Yes sir, he claimed east of there.

Q. 30 Is John Crockett living?

A. Yes sir, unless he has died lately.

Q. 31 The David Barnes house that you spoke of, it was east of Crockett's was it not?

A. Yes, it was east of there.

Q. 32 What land was it on?

A. I guess it was on the Baety survey, at least it was claimed to be.

Q. 33 Do you know where the lines of the Beaty survey ran through there?

A. No sir, I do not, I never saw them run.

Q. 34 You never saw any of the lines run?

A. I never saw any of the lines run except the Jones line from the pine corner north west to the top of the mountain I carried the chain through there.

Q. 35 Who was running that?

A. I forget his name now. I believe his name was Risner from Harlan or Bell County.

Q. 36 Why was he doing that surveying?

A. I could not tell you. He got me to carry the chain.

Q. 37 Who else was working with him except you?

A. A young man, I don't remember his name.

Q. 38 When was it?

A. Last fall, this fall one year ago.

Q. 39 What timber did you run to at the top of the mountain?

A. We did not have any set timber, we did not get through running, we quit and never ran any more. Night came on and we quit.

Q. 40 You started from the pile of rocks where the pine corner was was said to have been, did you?

A. Yes sir.

Q. 41 What direction was the still house from the Barnes house?

A. Kinder Northwest.

Q. 42 And in what direction from where you now live?

A. North east.

Q. 43 Do you know whether it was inside the Beaty survey or not?

A. Yes sir it was inside of the Beaty survey.

Q. 44 It was put in a low place or hollow was it.

A. It was near a spring that broke out.

Q 45 How far was it from your house?

A. About one-fourth of a mile.

Q. 46 How far was it from the Barnes house?

A. About the same distance one-fourth of a mile.

Q. 47 Where did the spring branch run into Station Creek at?

A. About 50 or 75 yards east of my house.

Q. 48 How long did the still house stand there?

A. I do not know, I could not tell you.

Q 49 Was it more than a year?

A. Yes sir, it was more than two or three years I guess.

Q. 50 Was it as much as five years do you think?

A. I can not say as to that.

Q. 51 Who was living on the Barnes land at that time?

A. John Crockett. John Rorack was living there when the still house was put up.

Q. 52 That was on the Evans land?

A. Yes sir.

Q. 53 Do you know where the north line of the Woodson land was with reference to the Barnes house.

A. I do not know, I never saw it run out north of that house.

Q. 54 Was there any land fenced up?

A. About forty yards.

Q. 55 Was not that fence on or above Mr. Woodson's line?

A. I could not tell, I do not know where Mr. Woodson's line run.

Q. 56 Did Mr. Woodson ever clear any land up above that land that was fenced up below the Barnes house?

A. He cleared the land there where the still house was, that was above where the Barnes house was, a little small pieve.

Q. 57 Do you know how he cleared that land?

~~I do not~~.

A. I do not.

Q. 58 You know he cleared it from what Redman told you?

A. Yes sir.

Q. 59 That is the only way you know he cleared that?

A. Yes sir just from his word.

Q.60 That was an illicit still was it not?

A. It was a copper still, I do not know whether they paid license or not, it was afterwards broken up by the Government.

Re-sirect examination by E. W. Pennington.

Q. 1 Did you ever know of any other still house being built on this land, or on Mr. Woodson's land except the one ~~of~~ at which Wiley Redman worked and told you about?

A. Yes, I knew of another one right straight up from my house on what is called the Fields survey.

Q. 2 × Do you remember Creed Kincaid. having a still house up in there?

A. No sir I do not.

Q. 3 You say about a year ago, you ran a line from the pine corner to the top of the mountain, how did you happen to run from that corner?

A. I could not tell you.

Q. 4 Did not Mr. Risner come to you and ask you to show him that pine corner, and was not that the reason you did it?

A. Yes, I guess it was.

Q.5 In running this line up the mountain did you pass any marked timber?

Q.A. None that I noticed.

Q. Re-Examination by C. T. Duncan

Q.L You spoke of the Crosses or one of them raising ore for the purpose of testing it about sixteen years ago, was not that about the time that the L. & N. R. R. was being built through

there, and under the direction of Clide Johnson?

A. Crockett was the only man that said anything to me about it. He said he gave them permission to do so.

Q. 2 Was not that about the time the L. & N.R. R. was being built?

A. It was just before the L. & N. R. R. was being built.

Q. 3 How long before, state as near as you can?

A. I would guess about two years.

Q. 4 Paton and Swap had ceased doing business there about the year 1875, did they not?

A. I could not tell you when, I was not living in that neighborhood when they were running that furnace.

And further this deponant saith not.

Signature waived.

Witness claims attendance.

One day. 50 cts.

"""

S. L. Lankfort another witness of lawful age, being duly sworn deposes and says:

Q.1 State your age, residence and occupation?

A. 43/ 3rd day of last March, and I live on Mr. Colson's land in Lee County, Virginia. I am a farmer.

Q.2 About how long have you lived in the community where you now live?

A. I have lived there about thirty years/ in about one mile of where I now live.

Q.3 # How long have you lived at the place you live now?

A. I have lived ther twice, the last time about seven years.

Q. 4 How long did you live there the first time?

A. About three or four years. I disremember now.

Q. 5 How many years intervened between the first and last times you lived there?

A. I could not tell exactly, I would guess about four or five e years.

Q. 6 Where is the house situated where you live at present?

A. It is to the left of Mr. Colson's land right at the foot of the mountain. I live on the north side of Station Creek I guess something life one mile from the Stidham house.

Q. 7 Do you know of a house being built where you now live that has heretofore been burnt down?

A. I do not know of it myself.

Q. 8 About how long has the house that you now live in been there did you say?

A. I guess twenty-eight years.

Q. 9 If you know tell who had this ~~this~~ house built?

A. Old Billy Woodson.

Q. 10 If you know state whether or not he claimed this land up to the time of his death?

A. Yes sir, he claimed it all the time.

Q.11 If you know who has claimed the land where this house is situated since his death?

A. The American Association claimed it since his death.

Q. 12 Has any body else claimed it since he died except the American Association?

A. Mr. Colson.

Q. 13 Were you living in this house at the time of Mr. Woodson's death?

A. Yes sir, I was living in this house.

Q. 14 And from whom did you rent, or make your contracts to live in this house?

A. Mr. W. G. Colson.

Q. 15 Then you have occupied this house since the death of Mr. Woodson as a tenent of Mr. Colson's?

A. Yes sir.

Q. 16 Who lived in this house while you were away, if you know, and from whom did he rent?

A. William Denny. I could not tell who he rented from I never heard Denny say.

Q. 17 How far is this house from where George Ball lives?

A. It may be a little over onehalf mile, that is as near as I can guess at it.

Q. 18 Is there any cleared land around this house fenced, and if so how much, and about how long has it been cleared and fenced?

A. It has been cleared and fenced ever since I have been there. There is about three acres around the house.

Q. 19 From what land do you get your fire wood?

A. I get it north of the house next to the mountain.

Q. 20 Who claims the land from which you have been getting fire wood and who has been living on it?

A. Mr. Colson claims the land.

Q. 21 Did Mr. Woodson claim it while he was alive?

A. Yes sir.

Q. 22 Are there any other houses up above you on this creek, if so who lives in them?

A. There are two houses above me near the same Creek, John Webb lives in one and Jim Easton in the other.

Q. 23 Do you know where what they call the Barnes house is?

A. Yes sir.

Q. 24 In what direction is that from your house, and about how far?

A. It is west, and I guess in about one-fourth of a mile.

Q. 25 How long, if you know, has that house been standing there?

A. It has been standing there as long as the house in which I live.

Q. 26 Is there any cleared land around the David Barnes house?

A. Yes sir, a little cleared around there.

Q. 27 From what lands do the occupants of the David Barnes house get their fire wood?

A. He gets his fire wood on the north side of the house.

Q. 28 On which side of Station Creek is the David Barnes house?

A. On the north side.

Q. 28 Do you know from whom David Barnes rents?

A. He told me that he rented from Mr. W. G. Colson.

Q. 29 About how long has Mr. Barnes been living in this house do you know?

A. I could not tell you, he moved there a long last Winter.

Q. 30 Who, lived therein this house, before Mr. Barnes moved in to it?

A. Jim Campbell.

Q. 31 How long, if you know, did he live in it?

A. I guess it was five or six years.

Q 32 If you know state from whom he rented?

A. He told me he rented from Mr. Colson.

Q. 33 If you know tell who occupied this house before Mr. Campbell lived in it?

A. It was another Campbell.

Q. 34 Did you know Wm. Woodson in his life time?

A. Yes sir.

Q. 35 State whether or not, if you know,, who had built or had built a still house on any part of this land, and if so state when and where it was?

A. I could not tell only what Mr. Woodson told me. He told me he had a still house built there, they rented from him and paid him so much rent for it.

This answer objected to as hearsay.

R. T. Irvine.

Q. 36 Did he tell you to whom he had rented.

A. To the best of my knownedge it was John Rorack.

Q. 37 About how long ago has that been since the still house was built?

A. It has been about twenty-eight or n ine years ago.

Q. 38 You may state , if you know, if any person ever pointed out to you what they called the pine corner, and if so, state where they pointed it out to be, and who it was?

A. John Crockett told me that the pine corner was in the sand field standing out there in a little hollow.

He showed me where it was and it was covered up with some rocks. and $aid this was the pine corner.

Objected to as hearsay. R. T. Irvine.

Q. 39 About how long ago was it Mr. Crockett pointed this corner out to you?

A. I expect it has been twenty-five years ago.

Q. 40 If you know, you may tell where John Crockett was living at the time he pointed this corner out to you.

A. He was living on the Evans land close to where George Ball lives now.

Q. 41 If you know, is this Evans land the same land that Mr. Colson now claims?

A. Yes sir it is the same land.

Q. 42 You may tell the circumstances, if you remember why he pointed out this places as the pine corner?

A. They got to disputing something about a line running between him and his father, he was then living on the Liz Evans land, and they had a dispute about the line at the time he told me this was the pine corner. ~~He claimed to have to Evans part of land rented~~

Q. 43 He claimed to have the Evans parted of land rented did he?

A. Yes sir.

Q. 44 Have you ever cut any timber north of the Barnes house, and when you lived there, if so, state by whose authority you cut it and where it was done?

A Yes sir, I did, and Mr. Colson gave me authority to do it. and old man Billy Woodson gave me the privilege to cut timber off this land.

Q. 45 Did you ever cut any more back in that section that you knowof?

A. No sir.

Q. 46 ~~Did~~ you remember of ever cutting any poplar timber for the saw mill on this land, and if so where was it cut, and by whose

whose direction was it cut by you?

A/ Yes sir I cut one tree that I remember of now. Old Billy Woodson gave me direction to cut it, and it was near where Mr. Ball now lives.

Q. 47 You may state whether or not you ever saw any lines run from the beech and dogwood or to where the pine corner was sowned you, if so, state who did the running and about how long ago?

A. Yes sir, I saw the line run up there twice. Mr. Carmical run it once, I think it was him, but I could not tell when it was exactly. I believe about 1901, I saw some one else run it before Carmical, but don't remember who it was.

Q. 48 On which side of this line that Carmical run was the David Barnes house and you r house?

A. The David Barnes house was on the north side of this line and my house was on the south side.

Q/ 49 Do you know Mr. Epps?

Yes sir.

Q. 50 You may state whether or not he ever pointed out to you where he built a fence once for Mr. Crockett.

A. I do not remember that he ever stated where he built the fence.

Q. 51 Do you know where the beech and dogwood was said to stand, the corner of the Jones and Crockett survey?

A. I rememeber where they showed me the beech and dogwood was said to have been a corner.

Q. 52 On which side of Station Creek was this doogwood and beech said to stand.

A. On the south side.

Q. 53 At the time Mr. Carmical did this surveying did he not start north of this place on the north side of this creek instead of the south side.

A. I believe he did, as well as I can remember .

Q. 54 Had he stated on the beech and dogwood on the south side of

Station Creek he would have reached both of these houses on the north side of the Creek running towards the pine, would he not?

A. Yes sir, I believe he would.

Q. 55 Do you remember of ever hearing any person setting up a claim to this land where you live and where the David Barnes house and the George Ball house is other than Woodson, until the last four or five years?

A. Never did until after old man Woodson's death.

Q. 56 Did you ever hear of any person setting up any claim to the iron ore on this land until the last four or five years. aside from Mr. Colson?

A. I never did.

EXAMINATION BY C. T. DUNCAN FOR MORRISON HEIRS.

Q. 1 Were you acquainted with R. E. Crockett commonly call ~~Alex~~ Elliott Crockett?

A. Yes sir.

Q. 2 How long did you know him?

A. I guess I knew him thirty years.

Q. 3 Where was he first living when you became acquainted with him?

A. There were Mr. Stidham now lives.

Q. 4 Did he continue to live there all the time until after he was stricken with paralysis and went to his daughter's where he died?

A. Yes sir, he continued to live there until then.

Q. 5 State whether he claimed the land upon which he lived as his own?

A. Yes sir, he claimed the land.

Q. 6 During that time, Mr. Lankford, did George Rose, A. A. Arthur The American Assodiation Limited the American Association Incorporated ever mine or dig any iron ore from the lands claimed by Mr. Crockett?

A.

No sir, never that I knew of.

Q. 7 How far did you live from the Crockett land at that time?

A. Right close to it in about one mile or one and onehalf miles for about thirty years.

Q. 8 Were you acquainted with the lands owned by Dr. Morrison, where Billy Gibson now lives and on west of that?

A. Yes sir. I have been on that land.

Q. 9 That land was situated west of you, was it not, and how far from you.

A. Yes sir, it was west of me, and about one and onehalf miles.

Q. 10 How long have you know that land?

A. I have known it about thirty--five or six years. I have been on it for about thirty years?

Q. 111 During the time you have known it, has George Rose, A. A. Arthur, The American Association Limited, The American Association Incorporated ever dug or taken any iron ore from that land?

A. None that I know of.

Q. 12 Could any body have been in there mining and digging ore from that land owned by Elliott Crockett, Jop Bales or the Morrison ~~land~~ land without you knowing it?

A. I do not believe they could. I never heard of any body digging ore there until in the last two or three years.

CROSS-EXAMINATION BY R. T. IRVINE.

Q. 1. No one else dug any ore from that land since you can remember up to the last two or three years have they?

A. None that I re member of.

Q.2 You do not know what Mr. R. E. Crockett claimed about the iron ore do you.

A. I heard him say that the ore belonged to him.

Q. 3 How did he come to say that?

A. I could not tell you, some one was talking about the iron ore, and he said all this iron belongs to me here on this land.

Q. 4 When was that, after he was paralized?

A. It was before he was paralyzed.

Q. 5 Do you remember where this conversation came up?

A. It was there some where on the place, we were there working about his home, cutting wood or something.

Q. 6 Did you not understand that the ore belonged to Rose or Rose's heirs through there?

A. Question objected as asking for an unders'anding and not for facts. E. W. Pennington.

A. I did not understand anything about it until the American Association stopped their digging about the time thi suit was brought. I always understood before that, thatit belonged to the men who onwned the land.

Q.7 Do you remember who waspresent there at the time Mr. R. E. Crockett was talking to you about this?

A. I do not remember who it was now, it might have been John Crockett. I disremember who it was now some one who was cutting wood.

Q. 8 How close to the house was the beech and dogwood located, as you understand it?

A. It might have been 150 or 200 yards, something like that.

Q. 9 What sort of ground was around there where that corner was pointed out to you?

A. It was on the south side of the Creek where the ore come off of it. Some one pointed it out to me as the dogwood and beech said to be a corner, I don't know who pointed them out now.

Q. 10 Were these trees marked when you first saw them?

A. I do not remeber, I do not remember that I was ever close enought to them to see if they were marked.

Q.11 Are those trees standing there Now?

A. No sir.

Q. 12 Do you know who cut them down.

A. No sir.

Q. 13 You carried the chain for Mr. Carmical, if I understand you,

when the line was run from the rock pile where the pine corner was supposed to stand in the eastern direction to the point where the beech and dogwood stood?

A. No sir, I did not carry the chain, but I saw the line run.

Q. 14 Where did Carmical run to ~~at~~ from the beech and dogwood corner on the land there?

A. He stopped about twenty steps, I guess, on the north of the branch.

Q. 15 Did you then point out to him where you had been showed the beech and dogwood?

A. No sir.

Q. 16 Did any one point out to him that spot?

A. Not that I know of.

Q. 17 Why did you not show him the correct corner?

A. That was none of my business.

Q. 18 What was he running that line for?

A. I could nottell you, The American Association I think was what they said he was running for.

Q. 19 How far north of your house did he run on that line?

A. I never measured it I could not tell. I would guess about 25 steps.

Q. 20 How far south of the Barnes house did they run that line?

A. It run, I expect twenty steps. I could not state exactly.

Q. 21 Did you see Mr. Carmical run his line through there for the map he made for this suit?

A. I never saw that I guess.

Q. 22 Where was the old burnt house with reference to the present house?

A. I do not remember that house.

Q. 23 Did you ever see where the old house sat?

A. It was a little above my house about 25 or 30 steps there was an old place that look like there had been a house there.

Q. 24 When did Wm. Woodson die.

A. I could not tell you, I understand it was in 1884.

Q. 25 If I understand you, Mr. Woodson claimed this land in and around your house and the Barnes house up to the time of his death, is that correct,?

A. Yes sir.

Q. 26 And after his death you understood that the American Association set up claim to the land around there, is that correct?

A. Yes sir, I hever heard them set up any claim until after his death.

Q. 27 How long after his death was it until you heard them setting up claim to it?

A. I could not tell you exactly,

Q. 28 Tell as near as you can how long after his death?

A. A right smart bit after his death, but I could not tell the time exactly.

Q. 29 Was it as much as three years?

A. It might have been that and it might have been more, I did not know that the American Association had any land over there until after his death, Mr. Woodson used it as his own until his death. He cut timber off of it.

Q. 30 The American Association bought that land around there from the Crockett heirs, did they not?

A. I could not tell you whether they did or not.

Q. 31 TheAmerican Association claimed that land around your house in fee-simple, land, timber and all, did they not?

A. I could not tell you only what the people said, they said they claimed it.

So much of this answer is objected to as relating to what the people say as incompetent and irrelevant.

E. W. Pennington.

Q. 32 Do you know where any of the lines of the Crockett 1000 acre tract are?

A. No sir, I do not know much about the lines only where I was told where I saw the lines run. I have seen some marked lines, but do not know what they were except that one I saw run.

Q. 33 Did you understand that to be one of the lines of the Crockett land?

A. Yes sir, I reckon it was, I never asked them what line it was, it was just the line they ran near the pine.

Q. 34 No body disputed Mr. Woodson's title to the land south of that line did they?

A. Never heard any body dispute it until after his death on either side.

Q. 35 And after his death no one disputed it on the south side, that you ever heard of, did they?

A. I never heard of any one disputing that.

Q. 36 Then if I understand you, your house and the Barnes house were built right close to that line, and after the death of Mr. Woodson, a dispute a rose between Mr. Colson and those claiming under Mr. Woodson on the one side, and the American Association Incorporated on the other as to where the correct location of that line was, is that correct?

A. I never heard of them claiming anything until after Mr. Woodson died, I never knew thay had any land there.

Q. 37 How much of the three acres which is cleared around your house lays on the south side of the line that Mr. Carmical run which you have described above?

A. I guess there is about one-third of it on the south side of the line. may be not so much and may be a little more.

Q. 38 That was all the cleared land there that was near your house on the north side of the line, was it not?

Yes sir.

Q. 39 How much cleared land is there, around the Barnes house?

A. There is just a small piece, 3/4 or an acre of land perhaps. I could not tell exactly.

Q. 40 How much of that land lay on the south side of the line run by Carmical?

A. A very little piece, just a few steps.

Q. 41 There was no other cleared land any where along there north of that except the two pieces you have referred to, one around your house and the other around the Barnes house, is that correct?

A. Not that I know of.

Q. 42 How much wood did you cut up north of your house?

A. I could not tell you, I have been cutting some along and could not tell you the amount. I would have to guess at it.

Q. 43 You cut for fire wood purposes as I understand you?

A. Yes, sir, and for boards and palings, and I do not know what all.

Q 44 You never hauled any timber out of there in Mr. Woodson's life time to market did you?

A. None only that poplar tree I was telling you about.

RE-DIRECT EXAMINATION BY E.W.PEENINGTON.

Q.1 You state that you never heard of the American Association ~~ee~~ claiming any interest in the lands north of the line which you and Carmical run until after Woodson died, state if is not a fact that you never heard of any claim being set up by the American Association until about the time they began legal proceedings with Mr. Colson at Jonesville?

A. It was along about that time, or a little before, I could not tell how long before.

Q. 2 You may state whether or not you ever heard how ~~much~~ far north of the line which you saw Mr. Carmical run did Mr. Woodson claim he owned the land.

A. He told me that his land run ~~over~~ up on the slope of the mountain a good piece from that line.

Q. 3 If you know, to what line did he say he claimed to?

A I believe that he told me that he run to the Field's line.

RE-CROSS EXAMINATION BY R.T.IRVINE?

Q. 1 Was it the Field's line or the Crockett line he told you he run up to?

A. The Field's line.

Q. 2 How did he come to tell you this?

A. I could not tell you, I believe we were cutting logs and wanted to know where the line was up there and he said he went to the old Field's line. We were cutting logs for the house where I live now.

Q. 3 Who was with you when you were cutting these logs?

A. I disremember now. Woodson had several hands, and I do not remember who all were cutting.

Q. 4 You can remember some of them, can you not?

A. I think old man Colbert was there he is dead now, the house was first built for him.

Q. 5 Who else?

A. I disremember now, who was with us, two or three of us boys and I disremember who else it was.

Q. 6 Did he tell you who he got that from?

A. No sir, he did'n tell me anthing about that.

Q. 7 What kind of a house did you build out o the logs?

A. It was a rough log house, one room.

Q 8 That is the house that you now live in, is it?

A. Yes sir.

Q. 9 What kind of a house is the Barnes house.

A. It is a block house now, the old one that use to stand there was a ,log house.

Q. 10 How many rooms in the old log house?

A. Just one.

Q 11 Were the logs hewed any or rought logs?

A. It was rough logs.

Q. 12 How many rooms in the present log house.

A. Two rooms.

Q. 13 About what size rooms are they ?

Common Wealth of Virginia Lea County Tobet

Whereas on the 2nd day of May 1839 Robert Crocket of Claiborne State of Tennessee and William Woodson of the Common Wealth before named, did Covenant and agree by these presents, and do by these presents Covenant and agree to Divide a certain tract or parcell of Land Lying and being in the County of Lea in the Common Wealth as aforesaid Bounded on the South West by the Virginia Road and South by Joneses, three thousand Acre Grant and North by Crockets One thousand Acre Survey and North West by Crockets Surveys, and Whereas the said Robt Crocket and William [illegible], have this day and date Mutually agreed to Make a conditionall divide of the before Named Quantity of Land Lying with in said limits Supposed about two hundred and Sixty Acres, More or less, and Whereas the said Acting Partners do agree to begin or Start the said division line beginig on a Large Beach runing North [illegible] two degrees West to the Beach line of [illegible] John Janeses Eleven hundred [illegible] and fifty five acre survey Crocketts part in said division being the South West end of said d. of said Survey and said Woodsons being the North East end of said Survey

Whereas we have hereunto set our hands and seals the day and date first above written signed in the presents of

J. J. Brown

Wm Woodson Seal

Daniel Goin

Robert Crockett Seal

In the Clerks office of the county court of Lee county the 23rd day of June 1900 This Article of agreement between William Woodson of the one part and Robert Crockett of the other part was this day admitted to record.

Test. H. S. Morgan Clerk

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Article of agreement between Wm Woodson & R. Crockett

Recorded in Deed Book No 15. Page 15 & 16.

Ex "A" Filed with deposition of H. B. Crockett taken Aug 27 - 1902 before me in Cause of Lee Co. Vs Circuit Court of American Association Incorporated Vs Wm Gibson et al.

G. W. Lallmann J. P.

This deed made this the 30th day of April 1898 between Robert E. Crockett of the first part and Martha J. Gibson of the second part all of Lee County Virginia. Witnesseth that for and in consideration of the payment of the following debts owing by the parties of the first part to Dr. H. E. Moiison Eighty seven dollars Arr + Blankenship thirty dollars and C. B. Johnson his amount for services rendered. The aforesaid debts to be paid by the party of the second part and also for the tender care and attention for past years and the future care the remainder of my life. I hereby bargain, sell convey and deliver to the party of the second part all my right title claim and interest to the following described land to wit: Located on the waters of Station Creek bounded as follows viz. Beginning at T. S. Gibson ~~&~~ corner on closing line, of a ~~a~~ three thousand acre survey made by Campbell and Jones, thence N60½ E 78 poles to Hickory Mrs. Evans corner in the Jones line N14½ W. 139 poles to a stake near a black Gum in the Rose line N 24 E with said line 186 poles to two white Oaks and a pine corner to Fiels survey S 59½ W. 239 poles with said

line to Hickory and pine to Gibson's corner S 23 E. 240 poles to the beginning containing 186 acres to have and to hold the said tract of lands with all its appurtenances to the sole use and benefit of the party of the second part and the party of the first part will warrant generally and defend the title of the above described land to the party of the second part. Witness the following signature and seal - day and date above written.

Robert E. his mark Crockett (seal)

Witness
H. L. T. Richmond Sr.
S. E. Thompson.
W. E. Morrison.

Lee County Va. To wit:

I, H. L. T. Richmond Jr. a Notary Public for the County aforesaid in the State of Virginia do certify that Robert E. Crockett whose name is signed to the writing above bearing date April 30th 1898 has acknowledged the same before me in my County aforesaid. Given under my hand this 30th day of April 1898.

H. L. T. Richmond Jr. N. P. Lee Co. Va.

Virginia, Lee County to wit:

In the Office of the Clerk of the County Court for said County the 18th day of November 1898. This deed was presented and together with the Certificate thereto annexed admitted to record.

Teste: S. D. F. Richmond Clerk
By A. B. Muncey D. C.

Virginia, Lee County to wit:

I, B. M. Morgan Clerk of the County Court for said County, do certify that the foregoing is a true transcript from Deed Book No. 35 Page 67, a record book in my office. Given under my hand this the 24th day of October 1899.

B. M. Morgan Clerk.

Martha J. Gibson
From Deed
Robert E. Crockett.

"G."

Clerk .65-

THIS INDENTURE made and entered into this the 9th day of Mayy, one thousand eight hundred and seventy between R. E. Crockett and Harriet S. Crockett his wife of the first part and Harrison V. Crockett of the second part, all of the County of Lee and State of Virginia;

Witnesseth, that for and in consideration of the sum of Two hundred and sixty dollars in hand paid, the receipt whereof is hereby acknowledged, the said Harrison B. Crockett and Catharine A. Crockett his wife hath this day sold and by these presents, doth sell and convey in fee simple to the said R. E. Crockett their entire interest being one-sixth part of a certain undivided tract or parcel of land lying and being in the County of lee and State of Virginia, known as the Robert Crockett lands and bounded on the east by G. H. E. Morison on the south by Wm. Woodson lands on the east by said Woodsons and Rose and on the North by said Morrisons and the Fields survey .

To have and to hold the said undivided tract or parcel of land to the said R. E. Crockett and Harriet S. Crockett his wife their heirs and assigns to the sole benefit and use of the said R. E. Crockett, and wife and their heirs forever and the said Harrison B Crockett and Catharine A Crockett his wife for them selves and their heirs doth covenant with the said R. E. Crockett and Harriet S. Crockett and their heirs that they will forever warrant and defend the said interests in the tract of land above mentioned against themselves and their heirs and against the claim of all persons whatsoever,

In testimony whereof the said Harrison B. Crockett and Catharine A. Crockett have hereunto set their names and affixed their seals, the day and date above written.

Signed and sealed and delivered in thepresence of

H. B. Crockett (Seal)

Catharine A. Crockett (Seal)

State of Virginia, County of Lee to-wit;

I, J. C. Thomas a Justice of the Peace for the County aforesaid, do certify that H. B. Crockett whose name is signed to the writing a bove bearing date on the 9th day of May 1870, has acknowledged the same before me in my County aforesaid. Given under my hand this the 17th day of May 1870.

J. C. Thomas J. P.

State of Virginia, Lee County to-wit;

We J. C. Thomas and B. C. Campbell Justices of the Peace in said County, do certify that Catharine A. the wife of H. B. Crockett whose names are signed to the writing above bearing date on the9th day of May 1870 personally appeared before me in the County aforesaid and being examined by us pprivily and apart from her husband and having the writing aforesaid fully explained to her she the said Catharine A. Crockett acknowledged the said writing to be her act and declared she did not wish to retract it. That she had willingly executed the same. Given under our hands this the 17th day of December 1870.

J. C. Thomas J. P.

B. C. Campbell J. P.

Virginia, Lee County Court Clerks office, March 8th 1888.

The foregoing deed bearing date May 9th 1870 between R. E. Crockett and wife of the first part and H. B. Crockett of the second part all of Lee Co Va., was this day filed in this office and admitted to record upon the foregoing certificates.

Teste; J. R. Gibson Clerk.

A Copy, Teste; B. W. Morgan ----Clerk.
(D. B. 23 page 145 &c)

N. B. Crockett
To/ Deed -
R. E. Crockett

---

copy -

Clerk costs -

LEE CIRCUIT COURT,

American Association Incorporated.

Vs.

William G. Gibson. et al.

For the purpose of shortening the record on Appeal, to the Supreme Court of Appeals, in this cause, the following agreement of counsel is made to-wit:

1st. In lieu of a copy of the deed from Jas. H. Bartlett, Special Master, to the American Association Incorporated, dated May 14th, 1895, filed as exhibit "7" with the plaintiff's original bill and in lieu of the transcript of the record of the suit lately pending in the Circuit Court of the United States for the Western District of Virginia at Abingdon, under the style of the Central Trust Company of New York Vs. The American Association Limited, which is filed as evidence in the agreed state of facts copied in this cause. It is agreed by counsel for defendants that all right, title, and interest of every kind in and to the iron ore and other rights in controversy herein which were formerly vested in the American Association Limited, is now and was at the time of the institution of this suit, vested in the plaintiff herein, the American Association Incorporated by virtue of said deed and proceedings.

2nd. It is agreed that in lieu of a copy of the deed of Thomas D. Arnold and Loretta Arnold, his wife, to Geo. W. Rose, which was filed as exhibit "4" with the plaintiff's original bill herein and the record in the suit of Loretta Arnold Vs. Alexander A. Arthur, Trustee, et al, which was referred to as evidence in this cause and agreed to be filed in said agreement of facts, that all the right, title and interest of Loretta Arnold, as one of the seven heirs of Duchen Rose, passed from her by virtue of said deed and proceedings in said cause to Geo. W. Rose, and afterwards became vested in, and is now and was at the time of the institution of this suit, owned by the American Association Incorporated. And it is further agreed that the plaintiff shall have copied the deposition of R. E. Crockett, taken in said cause of Loretta Arnold Vs. Alexander A. Arthur, Trustee, et al, as a part of this record on appeal for whatever lawful purpose

the same may be used as evidence. The object of the suit of said Loretta Arnold against Alexander A. Arthur, Trustee, in which the deposition of R. E. Crickett was taken, was to partition and lay off to her 1/7 of the iron ore on said tract of land, she alleging that she had never sold or conveyed it, and this contention of the said Loretta Arnold was denied by Alexander A. Arthur, Trustee, for the American Association Limited, and the Court sustained said denial.

3rd. That only the bill and answers shall be copied for the appeal in the suit of Elizabeth Evans Vs. W. G. Colson, which suit was also made evidence in this cause by the agreement of counsel above referred to.

4th. That in lieu of copying the record of the suit of C. M. Colson Vs. T. S. Gibson et al, which was also made evidence in this case, by the agreement of counsel above referred to, it is agreed that at the time C. M. Colson & W. G. Colson purchased from T. S. Gibson that portion of a certain tract of land, known as the Andrew Crockett share of the 500 acre Beaty tract of land in controversy herein, the said C. M. & W. G. Colson had actual notice from their vendor, T. S. Gibson, of the claim of the ownership to said iron ore by the American Association Incorporated, claiming under Rueben Rose.

R. T. Irvine, } Attys for
& B. H. Sewell. } Pltff,
C. T. Duncan Atty for
J. H. S. Morison Geo P. Morison
W. E. Morison, [illegible] & Kins
W. B. Stidham Flora Stidham Vincent Cormany
William Cosby Mary Cosby

LEE CIRCUIT COURT

AMERICAN ASSOCIATION, INCORPORATED,

v. AGREEMENT OF COUNSEL

WILLIAM GIBSON ET AL

In this cause for the purpose of saving time and expense and in order to speed a submission of the case, it is agreed between counsel as for the parties litigant, that the following record evidence may be put in and the facts hereinafter stated are agreed to, to-wit:

The following chancery causes now or recently pending in the Circuit Court of Lee County, Virginia, may be considered in connection with this cause and treated as a part thereof as though regularly copied at length in the proceedings, to-wit:

1: The suit of Loretta Arnold v. A. A. Arthur Trustee, et al:

2: The suit of Elizabeth J. Evans v. W. G. Colson.

3: The suit of C. M. Colson v. Thos. S. Gibson.

also, 4: The record of the suit in Chancery recently pending in the Circuit Court of the United States for the Western District at Abingdon, under style of Central Trust Co. of New York vs. American Association, Limited, et al, or so much thereof as may be relevant to the issues in this cause:

also, 5: Certified copy of the Will of Wm. Woodson, Sr. deceased.

Also certified copies of the following deeds of record in the Clerks office of Lee County, to-wit:

6: Deed dated February 14th 1888, recorded Lee County Virginia, D. B. 34 page 100. J.H.S.Morison et al to R.A.Crockett.

7: Deed dated Dec. 3rd 1891, recorded in said office, D.B. 2o page 312, R.E.Crockett et al to Thos. S. Gibson Sr.

8: Deed dated April 22 1892, recorded in D.B. No. ____ page____ R. E. Crockett et al to J.H.S.Morison.

9: Deed date Nov. 12th 1887, recorded in said clerks office D.B. 33 page 348 R. E. Crockett et al to Jonathan Bales and Sarah Bales his wife.

#2

16 10: Survey for Robert Beaty, dated September 28th 1809 for 500 acres of land, and survey for Andrew and Robert Crockett dated Sept 20th 1809 for 1000 acres of land.

11: Deed dated May 9th 1887 D.B. 23 page 145 Harrison Crockett and wife to R. E. Crockett

17 12: Deed dated February 27th 1901, recorded D. B. 37 page 483 Jonathan Bales et al to Martin Thompson.

13: It is further agreed that the heirs of Reuben Rose are correctly set out in said bill.

14

R. T. Irvine, } attys for Pltff.
B. H. Sewell, }
C. T. Duncan Atty for Morrison heirs W. G. Gibson et als.
W. G. Colson,
C. M. Colson
Orr & Noel. Attys for Martin Gibson & W. B. H. Stidham & wife.

14 That Sallie A. Fugate and Lucinda McKinham were widows in Dec 1865 & remained so as long as they each lived —

American Assoc Inc

Vs { Agreement as to facts

Wm F. Gibson et al

American Association, Incorporated)
)
Vs.) In Chancery.
)
William Gibson and others.)
)

Brief of Counsel for W. G. & C. M. Colson, defendants.

This suit was instituted by the American Association, Incorporated against the following named defendants. William Gibson, William Cosby, Chadwell Pridemore, Vincent Carmany, Kate Carmany, W.B. Stidham, Martin Thompson, Martha J. Gibson, William Morrison, J.H.S. Morrison, George P. Morrison, Minnie Richmond, W. G. Colson, and C.M. Colson, and Thomas S. Gibson. We the undersigned represent W. G. Colson, C. M. Colson, and W. B. Stidham. The Brief having already been filed by Duncan & Gridlin of Counsel for W. B. Stidham, we will devote our attention to the interest in this brief of W. G. Colson and C.M. Colson.

The said bill of the complainant alleges in the out-set that it is the onwer of the iron ore vein in dispute in this case. It further alleges that William Gibson, William Cosby, George P. Morrison, J. H. S. Morrison, Dr. William Morrison, Minnie Richmond, W. B. Stidham, Chadwell Pridemore, and Martin Thompson had gone upon the iron ore vein in question and taken possession thereof and was mining and removing therefrom the iron ore contained in the said vein of ore.

The said bill alleges, " that W. G. Colson, C. M. Colson, and Thomas S. Gibson are alleged some kind of conveyance to them for certain portions of the said Martin Beaty tract of land and the iron ore thereon from certain of the heirs of the said Robt. Crockett and are threatening your orator with suits about the same and interfering with your orator in the management and use of the said iron ore."

The said bill further alleges as follows: " The object therefore

of this bill is to quiet the title and possession of your orator to said iron ore and said mining rights and privileges acquired by it as aforesaid and to inhibit all of the said parties from mining and removing and disposing of said iron ore from said tract of land. The prayer therefore of your orator is that the said (naming each of said defendants) be made parties defendant to this bill and be required to answer the same, but not under oath, answer under oath being herein expressly waived. That the said title and possession of your orator to the said iron ore, mining rights and privileges of the said Martin Beaty five hundred acre grant of land be quieted; that an injunction be granted your orator enjoining the said William Gibson and William Cosby, Chadwell Pridemore, Vincent Carmany, Kate Carmany, W.B. Stidham, Martin Thompson, Martha J. Gibson, William Morrison, J. H. S. Morrison, George P. Morrison, and Minnie Richmond, and their agents and employees from mining, removing, and disposing of said iron ore from the said Martin Beaty tract of land; that the said George P. Morrison be enjoined from paying over to the said parties, any of the royalties for said iron ore that may be in his hands until the future order of this court; that an order of publication be made posted and published against the non-resident defendants, namely, William Morrison, J. H. S. Morrison, George P. Morrison, and Minnie Richmond, and your orator prays for all other further and general relief as is entitled to equity and is suitable to its case. And your orator will ever pray &c. "

Upon this bill an injunction order was entered on the 26th day of August, 1901, by your honor in the following order, " An injunction is granted in accordance with the prayer of this bill restraining the defendants, William Gibson, William Cosby, Chadwell Pridemore, Vincent Carmany, W. B. Stidham, Martin Thompson, Martha J. Gibson, William Morrison, J.H.S. Morrison, George P. Morrison, and Minnie Richmond, and their agents and employees from mining, removing and disposing the iron ore from the Martin Beaty tract of land, and George P. Morrison is enjoined from paying to any of the said defendants any of the royalties for said ore that may be in his hand until further order of this court."

This suit therefore has for its purpose but one single object, and that is to quiet the title claimed by the American Association. This is the only permanent relief prayed for. The injunction of course bing but a temporary relief of staying the action of some of the defendants until the various questions involved in this suit for quieting the title could be settled. Possession is a necessary incident to a suit for quieting title. The plaintiffs made the necessary alligations in this bill, but failed to prove it by the evidence. This was admitted by attorneys for the plaintiff in this case in the partial argument made of the case at the May term last. In the argument of the case at that time we brought to the attention of the Court the various decisions upon this question and we shall not under-

take to quote from those decisions here in view of the fact that as we understand it, counsel for plaintiffs do not dispute the proposition of law that possession is a necesaary incident to maintain a suit for quieting title; and in view of the fact that this question was virtually passed upon at the time of the first arguement of the case, and we shall do no more than simply to here refer to the various ~~questions~~ Cases upon this subject.

Steinman Vs. Vicar, 99 Va. 595.
Glenn Vs. West, 103, Va. 521.
Hitchcox Vs. Morrison, 47 S.W.Va. 206.
Kane Vs. Va. Coal & Iron Company, 97, Va. 329.
Otey Vs. Stewart, 91 Va. 714.
Smith Vs. Thomas 99 Va. 86.
Orton V. Smith, 18 Howard, 263.
Frost V. Spitley, 121 U.S. 582.

Even if the plaintiff in this case had been in possession of the tract of land or iron ore in question in this case, the bill for quieting title is not good, because it does not set out the various deeds, contracts, or other papers which are alleged to be a cloud upon the plaintiffs title. In order for a bill to quiet title to be good, it must specifically set out what the cloud is and ~~ask~~ that that particular deed, contract, bond or paper be annulled, vacated and set aside, but in the case before us the plaintiff does nothing more than to allege that the ~~those~~ various defednats are claiming title to the said land and ask that the title and possession of the plaintiffs be quieted.

The plaintiff in this case however contends that ~~if~~ one of the objects of the said bill was to obtain an injunction and if the Court upon the alligations in the said bill had taken jurisdiction of the case by awarding an injunction and having once taken jurisdiction for ~~that~~ purpose ~~and~~ would retain the case for the purpose of settling all questions of title that might arise in the case, although the plaintiff had failed to make out the case alleged in its bill, that on account of the allegations of the bill that the defendants were

destroying the various substances of the estate, that in a case of this sort, although the plaintiff has not possession, still the court will take charge of the qeustion of title and administer the ordinary legal remedies.

If the court of Chancery should undertake to settle all queations concerning the property and the title thereto where it once takes charge of a case upon the allegations of a bill, which allegations are false, and which case without such allegations could not have been fixed entertained in a court of chancery, then if the plaintiff is unscrupulous enoughtto make false allegations for the purpose of gaietting into Chancery, courts of law could always be robbed of their jurisdiction, and a trial by the jury, reserved to the citizens bytthen Virginia bill of rights, defeated!

Again we understand the plaintiff in its brief to contend that notwithstanding the plaintiff may be out of possession, he has a right to maintain a suit in Chancery for the purpose of truing the title when the defendant is committing an irreparable injury of destroying the very substance of the estate. We do not believe this to be a sound proposition of law and to illustrate the folly of such a proposition, let us suppose that "A" is in the possession of a house and lot. He has a deed and claims title to the property. "B" has a deed therefor and claim title to the property, but he is out of possession and has been out of possession for twenty-five years, and "A" has been in possession for that length of time. "B" very well understands that he has no standing in a court of law and therefore does not sue. "A" concludes however that he will tear down the old building which is upon the property, which is either too large or too small for his convenience and erect thereon a building that is suitable to his needs and pursuant to his design begins to demolish the building, whereupon "B" seizing the opportunity of the doctrine claimed by the plaintiff in this case, that as "A" is destroying the very substance of the estate, a court of chancery will take cognizance of his case and there-

upon he rushed to a court of Chancery, sets out his perfect paper title which he is able to trace back to the Commonwealth, and ~~maintains~~ of ~~thereofes~~ an injunction. "A" by being contendted to live in the property as it was, might have lived in undistrubed possession until the judgement day, so far as "B" was concerned, had he not undertaken to change the condition of the property. This illustration serves but to illustrate the folly of the proposition which the plaintiffs assert in this case. In the partial argument of this case made at the May term last, counsel for the plaintiff admitted that the prime object of this suit was to settle the title, and this being the case, it is hard for us to understand how in the face of the courts decision in the case of Callaway Vs. Webster, that the gentlemen here can put on so bold a fault as to ask the court in this case to entertain jurisdiction. The court in the case just mentioned says:

" It is well settled that an aplicant in possession of land with a clear title of a prima facia title is entitled to an injunction against a trespasser threatening irreparable injury or often repeated trespass. But in a case of a fair prima facia title, if it turns out from the evidence that the right of applicant is in doubt and the title and boundaries of the land are really in issue, such a controversy cannot be settled in equity, though the property in an urgent case may be protected by the injunction until the qeustion of right can bee settled by a trial at law."

The attorneys for the plaintiff in this case rely upon the case of Miller against Wills 95 Va. 337 to support the contention which they make in this case. That was a case of trespass and the parties against whom the trespass was committed, who was the plaintiff in the case, was the owner and in possession of the tract of land in question, and in the case relied on by us of Callaway against Webster, the case of Miller against Wills is quoted and the two decisions are not in conflict with each other, but each proceed upon the idea that the plaintiff is in possession of the land. No one has ever denied the proposition as an elementary ~~purpose~~ principle of law that an oft repeated trespass against one in possession of a tract of land may be enjoined

if the claimant of the land was out of possession and the party in possession who it was claimed was committing the trespass, it would be a contradiction of terms to say that the party in possession was trespassing upon the very land of which he was in possession and to which he had and claimed title. In the said case of Miller against Wills the court used this language: " And where a court of equity has properly acquired kurisdiction of a case, it will , in order to prevent a multiplicity of suits, go on and do complete justice, though in doing so, it has to try title or settle boundaries and administer rights which purtain to courts of law."

The plaintiffs must not only sustain a case by the allegations of his bill, but also by the proof, and in the same case of Callaway against Webster, the court says: " Where a bill alleges matter for a jurisdiction of a court of equity b(so that a demurrer will not lie), if it appears on the hearing that the allegations are false, and that such matter does not in fact exist, the result must be the same as if it had not been alleged, and the bill should be dismissed for want of jurisdiction. In other words,when it appears at the hearing of the cause, upon the pleadings and the proof offered, that the real object of the bill is to settle, in a court of chancery, a controverted boundary of lands, it should be dismissed for want of jurisdiction." Austin Vs Miller 57 S.E. Rep. - 619 -

See also Jones V. Bradshaw, 16 Gratt. 361; Boston B. Co. V. Carman L. Co., 94 Va, 94; Collins V. Sutton 104 Va. 128; Robinson against Moses, 1 Va. Sup. Ct. Rep. 557.

The plaintiffs in this case to maintain their suit on the question of jurisdiction,put the case as an urgent one and one in which the defendants are committing irreparable injury to the property in question. If we will read the bill in question, we readily see that the plaintiffs are not complaining of the removing of the iron ore in question, so much as the fact that Geo. F. Morrison, who was mining the ore, was not paying to the plaintiffs in this case the royalties as they supposed he was. So the question is ~~the~~ one, according to the plaintiffs own contention, which can~~not~~ be compensated or properly measured in damages, for it ~~that~~ specifically sets out in the bill that so many tons of ore is mined, the plaintiffs are entitled to ~~ten per cent~~ the royalties; so the case is one that is propery cognizable in a court of law. The mere allegation that the ~~truths~~ trespass committed is one of irreparable injury is not sufficient. There is no evidence taken in this case whatever to prove that the taking and removing of the ore in question is one of irreparable injury, and the bill of the com-

plainant does not even show that it is, but shows a state of circumstances which proves that it is measurable in damages at ten cent per ton rayalty. In the case of Bledsoe against Robinson 105 Va. 723 at page 728 of the opinion, the court said: In order to warrant granting of an injunction in such a case, the complainant, as the burden is upon him, must allege such facts as will show that the injury is irreparable or that the remedy at law is inadequate."

In the same case just cited it is again stated:

" In ordinary cases of trespass the remedy at law is adequate and complete and the resort cannot be had to a court of equity for a relief by injunction, except by certain circumstances. The pleadings of the case ought, therefore, to make out a clear case for the equitable relief sought, for courts of law ought not to be ousted of their jurisdiction in doubtful cases, especially where the title to the boundary of land is involved,as is the fact in this case."

We have heretofore dealt with this case from the stand-point of such of the defendants as were actually mining the ore from the lands in question;and the jurisdiction of the court in this case is based upon the injunction awarded in this case as against certain of the defendants. We now observe that three of the defendants to this suit have not been mining any ore from the premises in question, and have done nothing more than to maintain their possession under the title papers which they hold. The defendants referred to are W. G. Colson, C. M. Colson, and Thomas S. Gibson. According to the plaintiffs own contention therefore in this case, this court has no jurisdiction to try the title of Thomas S. Gibson, C. M. &. W. G. Colson. No injunction was ever awarded against them, no relief is sought against them, except that of quieting the title,which cannot be maintained without possession by the plaintiff. Nothing further therefore need be said concerning these three defendants, because we believe that it is conceded on all sides that the defendants must be destroying the very substance of the estate before the bill can be maintained against them, and as these three defendants are not doing anything to them except to hold on to what they have, the case should be dismissed as to them.

However we desire to enter into a short discussion of the evidence on behalf of C. M. & W. G. Colson. They have a perfect paper

title to the property in question which is adverse to the title claimed by the plaintiffs in this case. They have proved by various witnesses to have been in possession of this land under the same title for more than ten years. The plaintiffs in this case devote a good deal of their time to the discussion of the evidence introduced on behalf of Mr. Colson and to the character of witnesses by which he proves his claim, and the plaintiffs in the case have taken occasion to try by their dogmatic statements to lower the weight of testimony given by the witnesses G. W. Epps, John Bush, George Ball, S. L. Langford, Sallie Bond, Sallie Crockett, and Jones Campbell, and states that these people were work-hands and tenants and an ignorant class of people who had one time in their life worked for William Woodson and Mr. Colson and lived in one or more little cabins out in that wild region. How these gentlemen arrived at these facts stated, we do not know. There is no evidence that they are ignorant, or that they have told a lie. The fact that a man may be a laboring man and earns his bread by the use of his hands, and the fact that he is a tenant of the more fortunately endowed wealthy class, is no evidence whatever, that his statements on oath are to be dis-regarded or dis-counted. Under the cloak of the humble peasant, as often beats the heart of the true and genuine man, as under the silken folds of the high and rich, heroes do not always dwell in palaces and wear fine robes. Oft beneath these hypocritical coverings are hidden the meanest and vilest of mankind, and oft-times the education received is but the instrument of fitting the villian for greater deeds of impiety. And it is a recognized fact, so oft repeated by the present President, that the hope of our country lies, not in the rich and wealthy, but with the common class of men.

" Through tattered robes small vices do appear;
Robes and furred gowns hide all."

These simple folk need not be educated in science, literature, and mathematics in order to tell the simple fact of a residence of

a certain individual at a certain place, and having but few things to engage their minds, in the humble opinion of the writer, makes a ~~very~~ better witness of the truth of such facts, than the men who ~~is~~ are engaged in the many affairs of this life.

Judge Duncan in his brief filed in this cause, called attention to one proposition of law, which, if well founded, this case should not puzzle the mind of the court further. The proposition which he calls attention to, is this, that the deed of Crockett to Ruoben Rose not containing any covenants of warranty, ~~to have~~ the deed of Peter C. Johnston, to the heirs of Crockett, therefore does not inure to the benefit of the previous grantors of Crockett. At the time of this writing we have not had a chance to investigate this proposition of law, but respectfully ask the careful consideration of the court to this point.

Respectfully submitted.

Counsel for W. C. & C. M. Colson.

American Asso

vs { Brief to
Decree
By P Bro

Wm Gibson Pl Ass

AMERICAN ASSOCIATION, INCORPORATED)
)
-V-) IN CHANCERY.
)
WILLIAM GIBSON ET AL.)

Brief of counsel for plaintiff:

The bill in this case alleges that the plaintiff is the owner and in possession of all the iron ore and minerals, and certain other rights and privileges thereto, in and on a certain tract of land lying in Lee County, Virginia, and fully described therein; that the plaintiff claims title to said iron ore and mining rights and privileges under certain deeds and title papers set out therein, which will be hereinafter fully treated; and that the defendants, without the knowledge or consent and against the will of the plaintiff, entered in and upon different portions of said tract of land, and were mining and removing the iron ore therefrom and disposing of it.

The object of the bill was to obtain an injunction, enjoining and inhibiting the defendants from mining and removing said iron ore, and to quiet the title of the plaintiff thereto.

After the injunction was granted on the original bill, the plaintiff, on the 11th day of March, 1903, filed an amended bill in this case, the object of which was to make additional parties and to correct an allegation in the original bill relative to the patent issued from the Commonwealth of Virginia for the tract of land containing said iron ore, and to amend the allegations of the original bill in regard to title of the plaintiff to said iron ore.

The defendants, William Morison and the other Morison heirs, answer said bill, and which said answer is also adopted

by them as an answer to said amended bill, denying the allegations of said bills, and undertaking to set up title to said iron ore, which will be hereinafter more fully set out.

William Gibson, and the other defendants joining with him in their answer, adopt the answer of the said Morison heirs, and which answer is also adopted by them as an answer to said amended bill.

The defendants, W. G. Colson and C. M. Colson, also answer the original and amended bills, denying generally the allegations, and attempting to set up an adverse title to that of the plaintiff.

The defendants, Flora Stidham, Mary Cosby and Martha J. Gibson, file separate answers, and adopt, as far as applicable, the answer of the said Morison heirs, and attempt to set out to some extent the title under which they claim. To all the new matter in said answers alleging adverse title, or in other words, the plaintiff replied generally and took issue on said answers.

The first question to be determined in this case, and which is preliminary to a full argument, is: Has the Court jurisdiction? The position of the plaintiff is, that the Court has jurisdiction.

The grounds for this jurisdiction are as follows:

(1) The defendants, by mining and removing this iron ore of the plaintiff was destructive of the substance of the estate and the injury thus done was irreparable. In such state of case, the plaintiff had no adequate remedy except in a Court of Equity. The bill alleging said ground presented a proper

case for an injunction, which was granted.

Miller -V- Wills, 95 Va. p. 339.

Manchester Cotton Mills -V- Town of Manchester, 25 Grat. p. 825.

(2) "Where a court of equity has properly acquired jurisdiction, it will, in order to prevent a multiplicity of suits go on to do complete justice, although in doing so it has to try title, or settle boundaries and administer remedies which rightly pertain to courts of law."

Anderson -V- Harvey, 10 Grat. p. 386.

Miller -V- Wills, 95 Va. 340, and cases there cited.

The bill, as stated, alleges proper grounds for an injunction in this case, and also alleges title of the plaintiff to the iron ore in controversy. Under the authorities cited, a court of equity will try the title to said iron ore between the parties to this suit.

Having shown, as we believe, clearly, that the court has jurisdiction of this case, we come now to the consideration of the title of the plaintiff to the iron ore in controversy in this suit.

The plaintiff's title to said iron ore will be considered under two heads:

I.

THE TITLE OF THE PLAINTIFF AS TRACED FROM THE PATENTEE, ROBERT BEATY.

II.

THE PLAINTIFF'S TITLE AS TRACED FROM MARTIN BEATY.

I.

THE TITLE OF THE PLAINTIFF AS TRACED FROM THE PATENTEE, ROBERT BEATY:

The chain of title of the plaintiff to said iron ore, as traced from the said patentee, is as follows,

(1) The Commonwealth of Virginia, by patent dated August 6, 1810, granted to Robert Beaty a certain tract of land, containing five hundred acres, lying in Lee County, Virginia, which is the same tract of land set out in the bill of the plaintiff, and contains the iron ore in controversy.

(2) There has not been found any deed of conveyance on the record, or anywhere, from Robert Beaty to Martin Beaty for the said tract of land. From the long possession of said land by Martin Beaty and those claiming under him, the view of the plaintiff is, that a grant from Robert Beaty to Martin Beaty will be presumed.

(3) There was executed, as the plaintiff contends, about or prior to the year 1821, a title bond from Martin Beaty to Robert Crockett for the said tract of land.

The proof of said title bond is shown by the following

On or about May 4th, 1868, Robert E. Crockett, Newton A. Evans, Elizabeth J. Evans, Jonathan Bales, Sarah A. Bales, Andrew J. Crockett, Harrison B. Crockett, and James H. Crockett, instituted against the unknown heirs of Martin Beaty, deceased, in the County Court of Lee County, Virginia, a Chancery suit, the object of which was to obtain the legal title to the lands in the bill mentioned, which is the land under consideration. By a decree entered in said cause, on the 22nd day of June,

1869, Peter C. Johnson was appointed a Commissioner to convey to the said complaintants the 500 acre tract of land in the title bond marked as "Ex. A," mentioned and described in said bond according to the metes and bounds set forth in the office copy of the original survey filed with the bill as "Ex. C." The tract of land conveyed by said commissioner in his deed is the same tract of land under discussion.

Harrison B. Crockett in his deposition in this cause swears that his father got this land from Martin Beaty, and on cross examination he further swears that his father got a title bond for the said land. This positive evidence is not contradicted anywhere in the record; the original bond is proven to be lost, and cannot be found.

In the deed from the commissioner, Peter C. Johnson, dated on the 23rd day of June, 1869, to the said complainants, the said commissioner called said complainants "children and heirs of Robert Crockett, deceased, or complainants." The exhibit filed with the plaintiff's bill in this case marked "Record," and said commissioner's deed marked "Ex. A" are the only parts of the records of the said suit that can now be found on file in the Clerk's Office of said Court, but the plaintiff contends that the said abstract, parts of the record in said suit, proves that there was a title bond for said land executed by Martin Beaty to Robert Crockett for said land; if not, it would have been unnecessary for the commissioner to have recited in his deed that the complainants are the children or heirs of Robert Crockett, deceased. This record evidence, coupled with the said evidence of Harrison B. Crockett, proves

clearly, if not conclusively, that there was a title bond, and especially so when there is no evidence in the case to the contrary.

(4) By deed dated November 25, 1857, Robert Crockett and wife sell and convey to Ruben Rose "all the iron ore" on their lands, as aforesaid, and his heirs and assigns forever, being "all the land belonging to said Crockett in Lee County, Commonwealth of Virginia, and Claiborne County, Tennessee." This deed also conveys the mining rights and privileges, as stated therein. The 500 acre tract of land containing said iron ore, as shown under this head in paragraph No. 3, had been contracted to said Robert Crockett by said title bond, and at the date of said deed he certainly was the equitable owner of the said tract of land. By the said suit of Robert E. Crockett and others -V- the unknown heirs of Martin Beaty, deceased, brought to ~~effect~~ execute said title bond, the legal title as conveyed by the commissioner in said cause ~~inured~~ enured to the benefit of said Robert Crockett and those claiming under him, and the legal title of said Robert Crockett to the said tract of land was thus consummated by said deed, and also the legal title of Ruben Rose to said iron ore was consummated by the said commissioner's deed. (See "Ex. 2" filed with the plaintiff's original bill for the deed of Robert Crockett and wife to Ruben Rose, for said iron ore.)

(5) Ruben Rose died intestate on the _____ day of _____, _____, leaving W. S. Rose; Elizabeth Robinson, wife of Absalom Robinson; Lucinda McKuhan; Sallie Fugate; Anna Miller, wife of Daniel G. Miller; Loretta Arnold, wife of Thos.

D. Arnold, and George W. Rose, his heirs at law.

(6) By deed dated November 9, 1865, William S. Rose and wife, and all the other heirs of said Ruben Rose except Loretta Arnold convey to George W. Rose all their interest in said iron ore on said tract of land, with the mining rights and privileges therein stated. See "Ex. 3" filed with the original bill in this cause.

(7) By deed dated October 31, 1868, thomas D. Arnold and Loretta Arnold, his wife, convey to George W. Rose their interest in said iron ore. See "Ex 4" in the Chancery cause of Loretta Arnold -V- Alex A. Arthur filed as evidence in this cause. In said Chancery cause it was adjudged that the said George W. Rose was the owner of the interest of the said Loretta Arnold in said iron ore.

(8) By deed dated May 28, 1886, George W. Rose and Polly Rose, his wife, convey to Alex A. Arthur, trustee, the said iron ore and privileges in said tract of land. See "Ex. 5" filed with the plaintiff's bill.

(9) By deed dated November 20, 1888, Alex A. Arthur, trustee, et al, conveys to the American Association, Limited, all of the iron ore, mining rights and privileges, as therein fully set forth. See "Ex. 6" filed with said bill.

(10) By deed dated May 14, 1895, James Herbert Barclet, Special Master, under a decree in a suit in Equity brought in the Circuit Court of the United States for the Fourth Circuit and Western District of Virginia -V- the American Association, Limited, conveys all said iron ore

on said tract of land with said mining rights and privileges to the American Association Incorporated, the plaintiff in this suit.

From the foregoing it is submitted that the plaintiff has the legal title to said iron ore.

II.

THE PLAINTIFF'S TITLE AS TRACED FROM MARTIN BEATY:

The same chain of title, or the same statement will apply here as under No. I., from Martin Beaty down to and including the conveyance to the plaintiff in this case.

If the paper title of the plaintiff from Martin Beaty down to it, be considered as only a color of title, then this color of title of Robert Crockett to the said tract of land containing said iron ore, accompanied by his long continued and adverse possession which must have begun from the date of said title bond, and which date from the evidence in this case was prior to, or on or about the year 1821 up to the year 1857, when Crockett conveyed said iron ore to Ruben Rose, would have matured into a good possessory title of said land, and this will apply as against the world and especially as against all the defendants in this cause. On the 25th day of November, 1857, Robert Crockett, in this view of the case, was in a position to convey and did convey the legal title to said iron ore to Ruben Rose.

Under this head the plaintiff and all the defendants in this cause, including W. G. and C. M. Colson, who claim two

shares in said tract of land, claim and must claim from a common source of title, to-wit: from Martin Beaty, and this is true as to all of them as stated, if the title is correctly stated under No. I. from Robert Beaty. W. G. Colson undertakes to claim, except as to said two parcels, title to the ore in another way, and adversly to what is stated under No's I. II. and this position will be treated later.

III.

TREATING THE TITLE OF PARTIES TO THE IRON ORE IN CONTROVERSY AS DERIVED FROM A COMMON SOURCE, WHETHER UNDER No's I. or II:

The effect of the deed dated November 25, 1857, from Robert Crockett and wife to Ruben Rose, conveying said iron ore and mining rights and privileges, will be next considered.

This deed certainly conferred constructive possession of the said iron ore to the grantee, Ruben Rose, but the evidence in the case shows that there was actual possession taken by the said Rose of said iron ore immediately under said deed, and which continued up to 1860 or the beginning of the late Civil War.

Said deed had the further effect of severing the estates in the said tract of land, and creating a separate and distinct estate of Ruben Rose to the said Iron Ore. The said Ruben Rose was never divested of this separate estate of said iron ore by any adverse claimant, nor was those claiming under him.

It is well settled that "one may own the surface,

another the coal, and another still some other mineral, all within the same parcel of land."

These separate estates are subjects of possession, enjoyment and encumbrance. "Title to the freehold of the one, either in the surface or in the minerals, cannot be acquired by adverse possession of the other."

Va. Coal & Iron Co. -V- Kelly,
93rd Va. 336 & 338, and cases cited.

This deed of November 25, 1857, from Crockett to Rose to said iron ore, severing and creating a separate estate therein, was made prior to any of the deeds under which the defendants claim title to said land and was duly recorded prior thereto. The defendants allege an adversary possession to the land containing the iron ore, and perhaps some of them an adversary possession to the iron ore, but there is no proof in the case showing any adversary possession by them to said iron ore. Under the authority just above cited, it would be necessary to make out the required adversary possession to said iron ore before they could claim title thereto as against the plaintiff--this they utterly fail to do.

The title of the plaintiff to the iron ore in controversy is strengthened by the following evidence: After the deed was made to the Crockett heirs by said Johnson, commissioner, they and their vendees made a volunteer partition themselves of the 500 acre tract of land, and in the deeds made by them recognize and confirm the sale of the said iron ore in the tract of land previously sold and conveyed to Ruben Rose by said Robert Crockett in his lifetime. See Exhibits marked "Copy 1 - 2- & 3."

All of the Crockett heirs now living, to-wit: Harrison B. Crockett, James H. Crockett, and Mrs. Elizabeth Evans, in their depositions in this case, all swear that they had no claim to said iron ore and that their father had sold the same to said Ruben Rose, and that they, his heirs, always knew and recognized said sale to said Rose. R. E. Crockett, another heir, in his deposition filed in the case of Loretta Arnold -V- Alex A. Arthur, Trustee, swears that the said Crockett heirs always recognized the rights of G. W. Rose to said iron ore and held the land subject to said Rose's rights and privileges to said iron ore. See his deposition filed in said Case, this evidence is admissible as being an admission against the interest of the said R. E. Crockett.

W. G. Colson, the vendee of another Crockett heir, to-wit: Mrs. Elizabeth Evans, in a suit brought by her against him to collect the purchase money for her share in said land, claimed an abatement of the purchase money on account of her not owning the iron ore in said share. This fact is set up in his answer in said suit. (See said suit filed as evidence in this cause.)

In the Chancery cause of C. M. Colson -V- Thomas S. Gibson, lately pending, in the Circuit Court for Lee County, Virginia, the evidence therein shows that when C. M. Colson was contracting with Thomas S. Gibson for another share in said tract of land that W. G. and C. M. Colson were put upon notice as to said iron ore having been sold and conveyed to the American Association, or Alex A. Arthur, Trustee; besides all this, in all of the conveyances from Mrs. Bale down to Martin Thompson, another defendant in this cause, the iron ore

was excepted in all the conveyances down to and including him. With all this evidence against the defendants, it does seem that their claim to said iron ore becomes wholly untenable.

The deed dated November 25, 1857, from Robert Crockett and wife to Ruben Rose conveyed an estate in fee simple to said iron ore. The conveyance is as follows: "Sell and Convey all the ore on their lands, as aforesaid, unto the said Ruben Rose, his heirs and assigns forever." Could there be stronger and more technical words used to pass a fee simple estate? The deed further provides, after making said conveyance in fee simple, as follows: "With free access by gates, to be kept up by both parties, through their lands, to dig and haul the same to the iron works, and to use what timber that may be necessary for camps and small houses and fire-wood sufficient for the use of the hands engaged in digging the ore, and the privilege is to remain should said Crockett transfer said land, or should it descend to his heirs, but it is to be no claim on the land only for the ore and the privileges herein set out." From this it is further seen that there is a conveyance in fee simple for the ore, and the privileges to run permanently with said conveyance of the ore in fee simple.

Further, this deed having been duly recorded prior to the deeds in which the defendants claim, none of the defendants can claim under the law to be innocent purchasers. Most of them, as shown from the evidence in this case, not only had constructive notice from this deed, but had actual

notice of the conveyance of said iron ore by said deed. (See the evidence contained in the foregoing partition deeds, and the evidence there stated, for evidence of said actual notice.) The deed further within its terms would have embraced the iron ore on any lands owned by Robert Crockett, at that date, lying in Lee County, Virginia, and any purchaser of Robert Crockett's land would have been put upon notice by said deed.

IV.

THE ADVERSE CLAIM OF W. G. COLSON WILL NOW BE CONSIDERED:

W. G. Colson in his answer claims to have title to said land under deed made by Robert Beaty to William Woodson for said 500 acre tract of land dated September 22, 1837, but said deed was not recorded until the 12th day of January, 1901, and then William Woodson by deed to his daughter, Elizabeth Young, and she to Colson. There is no evidence in this case that William Woodson ever claimed the land under the said Robert Beaty deed, if he did he certainly never had it recorded during his lifetime, and he died on or about the ____ day of _____, 1884. The deed or deeds from Young and wife to Colson do not cover the tract of land containing the iron ore in controversy.* We file the will of William Woodson as an exhibit, and invite the special attention of the court to it, in which he undertakes to dispose specifically of all the property claimed by Woodson, and there is not the remotest reference in it to this tract of land and nothing is referred

Go to + on page 15 and read from Controversy down to V on page 17. Omit between the Elans. After doing this, then go back and read between them in this connection.

to that can be stretched by the imagination to cover this tract of land. Again, the deed to the Colsons from D. K. Young and wife, under which the Colsons set up their claim herein, cannot be construed by any possible interpretation of it to cover this land. The tract conveyed in this deed runs from a white oak, Gibson's corner, a north-west course, "to Rose's line to Crockett's line, thence with Crockett's line and Beaty's line a west course to the lane, running South from Crockett's line to the Virginia raod, thence along said lane a South course to the Virginia road." If the Colsons have any title at all to this land it is embraced within the above lines. The evidence in this case shows that the Roses at that time owned in fee simple the 1000 acre Crockett survey which is shown on the Carmichiel map which is shown in this dause, and this is the tract referred to as Rose's tract. The next reference is to Crocket's or Beaty's line; that was the extreme east or north-east line of this very 500 acre tract, or a part of the Jones' 1155 acre tract owned by the Crockett heirs adjoining the 500 acre tract and still further east. This land was formerly owned, as we have seen, by Robert and Martin Beaty and came from them to Robert Crockett and then to his heirs. There is no other land in that neighborhood that would fit this description, moreover the lane referred to lies east of this land in dispute so that it is impossible for the Colsons to connect their holdings at this place with this Robert Beaty patent. Whoever else may own this land, W. G. and C. M. Colson have no claim to it through a Woodson; the only claim they have to it is through the two shares of

Elizabeth Evans and Thomas S. Gibson, as hereinbefore stated, and in one of these the Colsons themselves have, as we have seen, solemnly asserted of record that their grantor had no title to this iron ore, and in the other they were put upon notice of this fact, if such notice were needed.* Besides the plaintiff contends that any claim that Woodson might have had at any time under the said Robert Beaty deed was settled by a written agreement dated May 2n, 1839, between Robert Crockett and William Woodson, and which is filed with the deposition of Harrison B. Crockett, marked exhibit "A," a portion of which said agreement is as follows: "Do by these present covenant and agree to divide a certain tract or parcel of land, lying and being in the County of Lee, in the commonwealth as aforesaid, bounded on the South-west by the Virginia road and South by Jones' 3000 acre grant, and North by Crockett's 1000 acre survey, and North-west by Crockett's surveys; and, whereas, the said Robert Crockett and William Woodson have this day and date mutually agreed to make a conditional divide of the before named quantity of land lying within said limits--supposed about 260 acres, more or less--; and, whereas, the said acting partners do agree to begin or start the said division line, beginning on a large beech, running North 2° W to the back line of John Jones' 1155 acre survey. Crockett's part in said division being the South-west end of said survey, and said Woodson(s being the North-east end of said survey."

It will be observed from the foregoing that there was a division made between said parties of the land then in controversy by running the division line from the large beech

North 2° W to the back line of John Jones' 1135 acre survey, Crockett taking the South-west end of said survey and Woodson the North-east end of said survey. Further, this agreement recognized Crockett's surveys on the North-west of the land in dispute as set out in this agreement. The land containing the ore in controversy was the land at that time owned by Crockett on the North-west of the land divided between them. This agreement was a clear recognition on the part of Woodson that Crockett owned said 500 acre tract. This agreement was made 2 years after the alleged deed from Robert Beaty to William Woodson when everything pertaining to the said land was fresh in the mind of said Crockett and Woodson, and if Woodson had claimed this 500 acre tract of land under the said Beaty deed he surely would never have made this agreement. Woodson must have known at the date of said agreement that Crockett was the owner of or had contract for the said tract of land, at any rate the rights between said parties to said tract of land was settled by said agreement. The evidence of Harrison Crockett and the other Crockett heirs in this case show that Woodson never set up any claim to said land as against Crockett or anyone else. By said agreement Crockett's rights to said land were recognized by Woodson, and his title to the land having been shown under heads No's I and II, after his conveyance in 1857 of the iron ore on said land to Ruben Rose, and thereby severing the estate of said land, there has been no separate and distinct possession by Colson or any party under whom he claims of said iron ore adverse to the title of the plaintiff's [redacted] under any of the alleged title papers of

said Colson. Such adverse possession under a conveyance to him and those under whom he claims would have been necessary after the said agreement made between the said Crockett and Woodson.

V.

AS TO THE EVIDENCE OF POSSESSION INTRODUCED BY W. G. AND C. M. COLSON:

Mr. Colson has introduced a great amount of evidence in this case tending to show adverse possession, by him and William Woodson before him, of some mountain land over North of the Poor valley ridge and at the base of Stone Mountain. Some of the witnesses on this point are: G. W. Epps, John Bush, George Ball, S. L. Lankfort, Sallie Barnes, Sl Crockett, and Jones Campbell. All these people were work hands or tenants, and an ignorant class of people, who at one time in their lives worked for William Woodson and Mr. Colson and lived in one or more little cabins out in that wild region, and committed under the direction of their employers more or less acts of depredation and trespass on the lands of others. We regard every particle of this evidence as entirely immaterial to the issue in this case. We appreciate the fact that the court cannot assume that any evidence taken is immaterial, and this is our only apology for noticing briefly this mass of evidence.

In the first place nearly all of this possession is entirely outside of and to the east of this 500 acre tract of land, which is inside the Crockett 1000 acre patent. On-

ly one of the locations of these cabins was shown to be inside this 500 acre patent, and it is inside the share bought by Mr. Colson from Mrs. Evans; certainly as to this share Mr. Colson had a right to put a tenant on the surface, and equally as a certainty he has estoped himself from claiming the ore under this tract by reason of his actions in the suit hereinbefore referred to of Elizabeth Evans -V- W. G. Colson. Take for instance, the deposition of John Bush: all that he proves is that he worked for William Woodson, in the latters lifetime, and cut some rails for Woodson North of the house where David Barnes then lived on a Creek; he did not know what Woodson did with the rails. The Barnes house is entirely east of this 500 acre patent. This witness was too ignorant to know his own age.

We do not think it profitable, either to Court or counsel, to pursue any further this class of witnesses or this line of evidence. The Court will see its utter immateriality at a glance.

VI.

THE LOCATION OF THE 500 ACRE PATENT:

A large part of Mr. Colson's effort in this case has been to show that the correct location of this Robert Beaty patent is not where Mr. Carmichael puts it.

We may say on this point that this court knows full well Mr. Carmichael's ~~sobriety~~ ability and fairness as a surveyor, having tested him in many cases. Strong evidence, therefore, will be needed to overturn the conclusions reached by him. The

report of every surveyor is entitled to great weight on disputed points--in this case it is entitled to peculiar weight, partly for the reasons stated above, and for the further reason that it is borne out absolutely, as we think, by the deeds and other evidence in this case, and against which Mr. Colson puts what seems to us a perfectly untenable theory of location.

This Beaty patent begins at two white oaks and a pine on the side of Cumberland Mountain, corner to Nathan Fields survey of 7080, thence with the line thereof S 55 W 580 poles to a black oak and dogwood. By referring to the Field's survey, we find that it goes on (reversing the courses from the two white oaks and the pine) S 55 W 580 poles to a black oak and dogwood in a broken valley, calling on this run for crossing two branches. Mr. Carmichael in his report in this case begins at the point "A-3" on his map and allows 4° variation, runs S 59 W 630 poles to "A-4," an oak stump in a broken valley, crossing branches and passing a number of anciently marked line trees. The Field's survey then calls S 20 W 124 poles to certain timber. The Beaty patent calls S 20 W 84 p. to certain timber where John Jones' line of 500 poles crosses Field's line from Cumberland Gap. Mr. Carmichael runs, allowing 4° variation, S 24° W 83 poles to "A-," a point claimed to be the line of the John Jones 1155 acre survey. We have proved by Carmichael that Cumberland Gap is at or about the point "D-6," the line therefore next above called is one of the lines running on Field's survey from Cumberland Gap and is the second line therefrom. Both

the Field survey and the John Jones survey were well known surveys in that locality in 1809, and they can both be located at this time beyond question. There can be no reasonable doubt, therefore, but that the location of the two lines above referred to by Carmichael of the Robert Beaty patent are correctly located.

The next call of the Beaty patent, is" thence with Jones' line N 84 E 222 poles to a pine, corner to said Jones' land." Now taking up the Jones survey, we find the next call before the line under discussion is, "N 8 W 80 poles to a pine and black oak near the Kentucky road." This Kentucky road is bound to be at, or near Cumberland Gap, as the well known location of this patent and the topography of the country show that it is near the point "D-6." The next call in the Jones survey is, "N 84 E 500 poles to a pine on a spur;" this is the line that is intersected by Beaty above, and he calls N 84 E 222 poles to the said pine. This pine we locate at "A-1," which is the beginning point of Mr. Carmichael's last survey as shown on his report. Mr. Carmichael reports that he found a large poplar tree with old axe marks for a corner, and near it a walnut stump but no pine. This corner is shown by the records to be an anciently recognized corner on both the Jones and Beaty survey, and will be treated by the Court as a located and defined corner, although the pine called for may long since have disappeared and the poplar near-by marked in lieu of it.

The next call of the Beaty patent is N 60 E 350 poles to a stake; this line is called, running with the line

of Jones. The Jones survey calls N 60 E 220 poles to a small beech and dogwood. At this point it is evident that there is a gap in the Field survey. A beech and dogwood are found at "B-3." This is shown by several facts: (1) because the last call of the Jones survey is N 85 E 60 poles to three small white oaks on Gibson's Ridge, these are at "B-2" on Carmichael's map--the location of these trees is too well known to be questioned; (2) if we take the 1000 acre Crockett survey of September 20, 1809, we find it calls with the line of John Jones on the reverse course for these two corners at "B-2" and "B-3" and at the end of the line, running from "B-3" to "B-4," which is S 60 W 220 poles. The call is to a pine on the point of a spur marked as "afore and aft tree."

Now our theory is, and this is Mr. Carmichael's theory also, that in writing up the report of the John Jones survey two lines were omitted, to-wit: the line running from "A-1" N 60 E 350 poles to a stake, thence N 5 W ___poles to a pine on a spur. In other words there were two calls in the surveyor's original calls running N 60 E, one of which ran from the pine at "A-1," the other from the pine at "B-4." It is well known that omissions like this often occur in ancient surveys, and such errors are human and natural. The evidence, however, is overwhelming as to the correct location of all the corners under discussion, as shown by Carmichael on his map. Robert Beaty, who made his survey a few years after the Jones survey, calls for the Jones' line in the manner above indicated, and Robert and Andrew Crockett who made their 1000 acre survey at about the same time likewise called for these Jones' lines in the manner indicated above. These old corners and also the

corners and lines of the Field's survey are so well known and have been so anciently recognized in that neighborhood as to put beyond doubt the correct re-location at this date.

Now the only theory upon which Mr. Colson builds to change the location of the Beaty patent, is the fact that the Jones survey calls from the pine on a spur N 60 E 220 poles to the beech and dogwood, which as above stated are at "B-3." He therefore takes "B-4" as being the pine called for at the end of the cd l in the Jones survey N 84 E 500 poles to a pine on a spur; he then reverses the courses and distance of the Beaty patent, ignoring all other considerations and throws the figure out into space with nothing else to hang on. The effect of this, as we have stated above, is to locate the corner "A-1" at the point of the map "B-4" and then plat the figure according to its calls and distances, regardless of all other considerations. We have not the slightest fear that the Court will ~~will~~ consider and take this view of the case. It is true that Mr. Colson introduces some evidence tending to prove a possible different location for the two white oaks and the pine shown at "A-3" than the one adopted by Carmichael, but when the Court examines this evidence we feel sure that it will be found so unsatisfactory in every respect as not to raise even a reasonable doubt against the location adopted by Carmichael.

We invite special attention to the Field survey. Like all of these surveys in which Nathan Field was interested, and there are a number of them in this section, every corner called for two or more trees and marked lines crossing branches and other natural monuments, all of which show that the survey

was actually run out and with a care and thoroughness most unusual. The corners and lines of this 7080 acre survey are as well known in that locality, possibly as the corners and lines of any other survey of any kind, and we submit with perfect confidence that Mr. Colson has not shaken the location as found by Carmichael in the slightest.

The strongest argument Mr. Colson finds for a different location for the two white oaks and the pine, as made by Carmichael, is the fact that in the Crockett survey from the pine on the point of the spur above referred to, the next call is N 36 E 482 poles to these two white oaks and a pine, while Carmichael in his running shows that this line is N 24 E 191 poles. Making proper allowance for variation, the degree is not far wrong, but the distance is less than one-half. We account for this as follows: When we take the Crockett survey we find that it simply calls for adjoining survey and the lines and corners thereof everywhere except on this line; this is stong evidence to show that Crockett never had this line actually run. No other survey bounded his 1000 acres on the West along this line at the time his survey was made; he, therefore, merely guessed at the degree and distance between these two points.

We will not in a written brief go over all the evidence we have introduced regarding these lines and corners, as we know the Court will carefully read and consider it all, but in our minds there is not the slightest doubt that the Beaty survey is located as we have claimed according to the evidence we have introduced in this cause.

In conclusion, however, we desire to say that we regard

this matter as immaterial because all the defendants in the case, except the Colsons agree with us in our location of it, and Mr. Colson is estoped to deny this location from the fact that he himself has purchased lands and claims under the present location also.

We think we have established in the case beyond a doubt our clear legal title to the iron ore in controversy. We have shown that there has been no actual adverse possession of this ore against us by the defendants or any of them except for a short time immediately prior to the bringing of this suit, which possession and attempted acts of ownership by the defendants was the occasion of this suit and resulted in the injunction now in force herein. We have shown furthermore that nearly all of the defendants have solemnly recognized our title by either making or accepting (or both) partition deeds, or other deeds covering parts of the survey of this land, and in other ways have so recognized our title as now to be estopped in Equity from claiming against us.

We submit, also, that the law is clear as to the jurisdiction of this Court to take up and decide this question of title as a necessary incident to the main purpose of the suit which is to determine whether or not the injunction herein shall be perpetuated.

Respectfully submitted September 20th, 1907.

B. H. Sewell

Irvine & Morison,

P. A.

American Association Incorporated

vs { Brief of Counsel for Reff.

Wm Gibson et al.

Lee County Va Circuit Court

American Association Inc
v.
Wm Gibson et al } In Chancery

In this cause it is agreed that the deposition of Wm Dassett heretofore taken in the law cause then pending in said court wherein the American Association Limited was plff & W.G. Colson was deft shall be read as his deposition in this cause as between the plaintiff & said W.G. Colson & C.M. Colson, but this agreement shall not in any way affect the issues between said W.G. & C.M. Colson & their co-defendants in this cause, but it is further agreed that question 16 of X Ex of said deposition may have added to it by the said Dassett as a part of it that Rose paid Woodson lbs of iron for each ton of ore furnished from said place by said Woodson & that witness helped haul the said iron to Woodson

Witness the following signatures this Dec 6th 1900

R. T. Irvine
atty for plff

W. G. Colson
for himself & C. M. Colson.

Agreement as to
Dispos Sally Planner
&c

This Indenture, Made and entered into this Sixteenth day of August in the year One thousand eight hundred and ninety two, by and between Alexander A.Authur, of Harrogate, Tennessee, for himself indevidually and as trustee, and Nellie M.Authur, his wife, parties of the first part; and The American Association,Limited, party of the second part, Witnesseth: That in consideration of the fact that the below described lands were purchased for the benefit of and at the expense of the party of the second part, and the further consideration of the sum of One dollar and other valuable consideration in hand paid, the receipt of which is hereby acknowledged the said parties of the first part have granted, bargained, sold and conveyed, and do hereby grant, bargain sell, alien, convey and confirm unto the said party of the second part, its successors and assigns forever, all those certain tracts, pieces and parcels of land situate in the County of Lee, State of Virginia and described as follows: First Parcel: Being a tract of land situate west, south and east of Cumberland Gap, being the land granted by the Commonwealth of Virginia on the 21st day of February 1811 to Robert Beaty and David Chadwell, and conveyed to Alex.A. Arthur, Trustee, by two deeds, one from Eliza Jones and others dated the 27th day of April, 1889, recorded in the office of the Clerk of the Lee County Court in Deed Book Volume 24, page 151,and the first tract in the deed from George H.Jones and wife to said Arthur, Trustee, dated the 10th day of December, 1889, recorded in the office of the Clerk of the Lee County Court in Deed Book Volume 24, page 431, and reference is hereby made to said deeds for a more full and particular description of the land hereby conveyed,; Second Parcel: Being land and interests in lands acquired by said Arthur, Trustee, under and by virtue of an instrument from James A.Greer and others, heirs at law of Alexander L.Greer, deceased, to Alex.A.Arthur Trustee, dated the 10th day of May, 1887, recorded in the office of the Clerk of the Lee County Court in Deed Book Volume 22, page 304. Said lands and interests in lands being fully described in a deed from J.A.G.Hyatt, Clerk and Special Commissioner in Chancery of the Circuit Court for Lee County, Virginia to The American Association, Limited, dated the 8th day of December, 1888 recorded in the office of the Clerk of the Lee County Court in Deed Book Volume 23, page 426, to which said deed

and the aforementioned instrument reference is hereby made for a more full and particular description of the lands and interests in lands hereby conveyed. And this deed is intended to convey all the right, title and interests of the parties of the first part in said lands in whatever way or manner acquired, Together with all and singular, the tenements, hereditaments and appertenances thereunto belonging, or in anywise appertaining, and the remainder and remainders, reversion and reversions, rents, issues, and profits thereof, and all the estate right, title, interests, property, possession, claim and demand whatever, both in law and equity of the said parties of the first part of, in and to the above described lands with all appurtenances, To have and to hold to the said party of the second part, its successors and assigns forever. The said parties of the first part hereby covenant that they have not done, let or suffered any thing or things by which the title to the said above conveyed property has been or shall be impeached, charged or incumbered. In Witness Whereof ,the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Alex.A.Arthur (Seal)

Alex.A.Arthur Trustee (Seal)

Nellie M.Arthur (Seal)

State of Tennessee,)
) SS:
County of Claiborne)

I, J.Frank White a Notary Public in and for said County and State, do hereby certifty that Alex.A.Arthur and wife, Nellie M. Arthur, whose names are signed to the annexed and foregoing deed or writting, dated on the 16th day of August 1892, personally appeared before me in my said County and State, and acknowledged said instrument to be their act and deed, And said Nellie M.Arthur appeared before me in my said County and State separately and apart from her said husband, and being examined by me privately and apart from her said husband, and having the writing aforesaid fully axplained to her, the said Nellie M.Arthur acknowledged and declared the said deed or writing to be her act and deed, and that she executed the same freely, voluntarily, understandingly and willingly without compulsion or constraint from her said husband and for the purposes therein contained and that she did not wish to retract it. Witness my hand and official

seal at office in my said County, this 16th day of August A.D.,1892.

J. Frank White
Notary Public for Claiborne County
Tennessee.

Virginia Lee County to wit:

In the office of the clerk of said County the 26th day of March 1895, this deed was presented and together with the certificate thereto annexed admitted to record.

Teste: S.V.F.Richmond Clerk.

State of Virginia,)
) TO-wit:
County of Lee.)

I, J.D.Edds, Clerk of the Circuit Court for Lee County, Virginia, do hereby certify that the foregoing is a true and perfect copy of the deed from Alexander A.Arthur,et ux, to The American Association,Limited, as the same appeard of record in my office in Deed Book No. 31, page 273.

Given under my hand, as Clerk of said Court, this the 10th day of January, 1914.

J.D.Edds, Clerk.

Arthur Trustee
To
Ann Arno Ltd

(13)

abt

P. G. FULKERSON, Chairman | B. F. HULS, Engineer | F. T. OVERTON | JOHN AUSMUS

Claiborne County Pike Commission

Tazewell, Tenn., May 9th 1907

B H Lyell Esq
Jonesville Va
Dear Sir

On the 9th of June 1865 Mrs Sallie A Fugate and Mrs Amanda McKechan were both widows and remained such until their death. Mrs Fugate died here and Mrs McKechan in the west. With kindest regards I remain

Yours Truly
P. G. Fulkerson

American Association, Incorporated,

(Vs. Wm. Gibson, et al,)

Plaintiff's costs recovered:

Munsey, Clerk,	$11.97
Ewing, Clerk,	7.56
Morgan, Clerk,	8.45
Attorney,	15.00
Sheriff,	8.20
Depositions,	25.85
Total	$77.03
Surveying	87.59
	$164.62

Defendants' costs:

Ewing, Clerk,	$0.80
Morgan, Clerk,	4.55
L. W. Carmical,	.50
Depositions,	5.75
Total	$9.10

W. G. & C. H. Colson's costs recovered from Plaintiff:

Ewing, Clerk,	$1.05
Morgan, Clerk,	1.35
Attorney, H	15.00
Depositions,	11.00
Total	$28.00

Teste: H. C. D. Ewing, Clerk.

THIS INDENTURE, Made and entered into this 31st day of October, in the year of our Lord, 1868, between Thomas D. Arnold and his wife Lorretta Arnold, formerly Lauretta Rose, of the County of Green, and State of Tennessee, of the one part; and George W. Rose, of the County of Claiborne and State of Tennessee, of the other part.

WITNESSETH: that for and in consideration, that the said George W. Rose has this day sold to us and by a deed in fee made executed and delivered to us simultaniously herewith by the said George W. Rose this day conveying to us his undivided interest being one-seventh part in the homestead of our father Reuben Rose, being the tract of land lying near Tazewell, Tennessee, upon which the said Reuben Roseresided at the time of his death, and in the County of Claiborne aforesaid, and made up of several small tracts all adjoining.

We do hereby sell and convey to the said George W. Rose our undivided interest being one-seventh part in the tract of land of which the said Reuben Rose died seized and possessed known as the iron works tract, made up of several small tracts, and lying in the County and State aforesaid, and some of it perhaps lying in the State of Virginia.

Given under our hands and seals the date above written. "being one seventh part" . Interlined before signed.

Signed, sealed and delivered in our presence the day and date above written.

Robert Neal.

Kate Arnold.

Thos. D Arnodl. (Seal)

Loretta Arnold (Seal)

STATE OF TENNESSEE)
GREEN COUNTY)

Personally appeared before me V. S. Maloney Clerk of County Court of said County Thomas D. Arnold the bargainor with whom I am personally acquainted and who acknowledged the execution of the within deed on the day it bears date. And Loretta Arnold, wife of said Thomas D. Arnold having appeared before me privately and apart from her husband acknowledged the execution of the said deed to have been done by her freely, voluntarily and understandingly, without compulsion or constraint from her said husband and for the purposes therein expressed.

Witness my hand at office the 31st day of October, 1868.

V. S. Maloney, C.G.C.

This deed was filed in my office on the 21st May 1870 at 3 o' clock P. M. and registered same day.

A. C. Hayes, Register.

STATE OF TENNESSEE,)
CLAIBORNE BOUNTY.)

I, D. T. Hodges, Deputy Register for said County do hereby certify that the within and foregoing instrument is a true and perfect copy of a deed from Thomas D. Arnold and wife to George W. Rose as appears of record in my office in book "F" volume 2, at page 231.

Witness my hand at office in Tazewell on the 24th day of June, 1890.

D. T. Hodges, Deputy Register.

#301

2294

Thos. D. Arnold Trustee

to

Geo. W. Poore

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 305.

Know all Men by these Presents, That I B. H. Sewell am held and firmly bound unto the Commonwealth of Virginia, in the sum of $100.00 One hundred to be paid to the said Commonwealth, for which payment, well and truly to be made, I bind myself, my heirs, executors and administrators, firmly by these presents. And I hereby waive the benefit of my homestead exemption as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, with coupons detached from the bonds of this State. Sealed with my seal, and dated this 7th day of November in the year one thousand ~~eight~~ nine hundred and ~~ninety~~ One

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas a suit hath been instituted in the Cizcuit Court of the County of Lee by American Association Incorporated, a Corporation, against William Gibson et als

a suggestion was entered by the William Gibson et als that the said American Association Incorporated, a Corporation

is not a resident of the State of Virginia, and that security was required of It for the payment of the costs and damages which may be awarded to the said defendant and of the fees due or to become due in the said suit to the officers of the said court. Now if the above bound B. H. Sewell shall well and truly pay all such fees as are due or may become due from the said American Association Incorporated, a Corporation to the officers of the said court in the prosecution of the said suit, and moreover shall well and truly pay to the said defendant all such costs and damages as may be awarded to in case the said plaintiff, shall be cast therein, and condemned to pay the same, then this obligation is to be void, otherwise to remain in full force and virtue.

Executed, acknowledged, &c., in the presence of } B. H. Sewell, SEAL.

In the Clerks' Office of the Circuit *Court of the* County *of* Lee

The above named B. H. Sewell this day made oath before me, A. B. Mimsey Clerk of said court, that his estate, after the payment of all his debts, and of such liabilities as he may have incurred as security for others, is worth the sum of One hundred dollars the penalty of the above bond.

Given under my hand this 7th day of November 1901

Clerk.

FORM No. 805.

American Association

to

BOND FOR SECURITY
FOR COSTS.

Commonwealth.

To B. H. Sewell, Attoney for the American Association, Incorporated:

You will take notice that on Friday the 31st day of January, 1908, we will apply to the Clerk of the Circuit Court of Lee County for a copy or transcript of the record in the case of the American Association, Incorporated Vs. W. G. Gibson et al.

Respectfully,

C. T. Duncan, attorney for
J.H.S.Morison et al.
Pennington Bros. Attorneys for
C. M. Colson et al.

J. W. Orr, attorney for
Martha J. Gibson.

Service of the above notice is accepted.
This Janu, 30th 1908.

B. H. Sewell of
Counsel for Defts.

To E. H. Sewell, Attorney for the American Association, Incorporated:

You will take notice that on Friday the 31st day of January, 1908, we will apply to the Clerk of the Circuit Court of Lee County for a copy or transcript of the record in the case of the American Association, Incorporated Vs. W. G. Gibson et al.

Respectfully,

C. T. Duncan, Attorney for
J. M. S. Morison et al.
Pennington Bros. Attorneys for
C. M. Colson et al.

J. W. [illegible], Attorney for
[illegible] J. Gibson.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 301.

In the Clerk's Office of the Circuit Court of the County of Lee on the 27th day of August 1907.

American Association Incorporated Plaintiff,
against
William Gibson et als Defendants } In Chancery

The object of this suit is to quiet the title and possession of the plaintiff, The American Association Incorporated to the iron ore and mining rights and privileges on the Martin Beaty tract of land as mentioned in the bill in said cause, and enjoin and inhibit the defendants William Gibson, William Cosby, Chadwell Pridemore, Vincent Canning, Martin Thompson W. B. Stidham, Martha J. Gibson, William Morison J. W. S. Morison, George P. Morison 2nd and Minnie Richmond, and their agents and employees from mining, removing and disposing of the iron ore from ~~the~~ said Martin Beaty tract of land, and to enjoin George P. Morison from paying over to any of said parties any of the royalties for said iron ore, that may be in his hands until the further order of this Court

And an affidavit having been made and filed that the defendants William Morison, J. W. S. Morison, George P. Morison and Minnie Richmond are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Wise News, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

B. H. Sewell p. q. A B Munsey Clerk.

FORM NO. 301.

American Association Incorporated

vs. { ORDER OF PUBLICATION.

William Gibson et als

Virginia Lee County to-wit
I A.B. Munsey Clerk of the Circuit Court for Lee County do hereby Certify that I posted a copy of the within at the front door of the Court house of Lee County on the first day of the Sept term of the County Court 1901.
Given under my hand this the 17th day of September 1901

A.B. Munsey Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 301.

In the Clerk's Office of the Circuit Court of the County of Lee on the 27th day of August 1901.

American Association Incorporated Plaintiff,
against
William Gibson et als Defendants } In Chancery

The object of this suit is to quiet the title and possession of the plaintiff, the American Association Incorporated to the iron ore and mining rights and privileges on the Martin Beaty tract of land, as mentioned in the bill in said cause, and enjoin and inhibit the defendants William Gibson, William Looby, Chadwell Pridemore, Vincent Canning, W. B. Stidham, Martin Thompson, Martha J Gibson, William Morrison, J. H. S. Morison, George P Morison and Minnie Richmond, and their agents and employees from mining, removing and disposing of the iron ore from said Martin Beaty tract of land, and to enjoin George P Morison from paying over to any of said parties any of the royalties for said iron ore, that may be in his hands until the further order of this Court

And an affidavit having been made and filed that the defendants William Morison, J. H. S. Morison, George P. Morison and Minnie Richmond are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Wise News, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

B. H. Sewell p. q. A. B. Munsey Clerk.

Miscellaneous

FORM NO. 301.

American Association Incorporated

vs. { ORDER OF PUBLICATION.

William Gibson et als

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon William Gibson, William Cosby, Chadwell Pridemore, Vincent Canning, W. B. Stidham, Martin Thompson, Martha J. Gibson, William Morison, J. H. S. Morrison, George [redacted] Morison, Minnie Richmond, W. G. Colson, C. M. Colson and Thos. S. Gibson

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in September 1901, to answer a bill in chancery, exhibited against them in our said Court ~~for~~ by American Association Incorporated, a Corporation organized and existing under the laws of the State of Kentucky, and doing business in the State of Virginia

And have then there this writ. Witness, A B Munsey, Clerk of our said Court, at the court-house, the 27th day of August 1901 ~~189~~, and in the 126th year of the Commonwealth.

A B Munsey Clerk

The necessary bond having been given the defendants to William Gibson William Cosby, Chadwell Pridemore, Vincent Canning, W. B. Stidham Martin Thompson, Martha J Gibson, William Morison, J. H. S Morison, George P Morison and Minnie Richmond & their agents and employees are enjoined and restrained from Mining, removing and disposing of the iron ore from the Martin Beaty tract of land; and George P Morison is enjoined from paying to any of the said defendants any of the royalties for the said iron ore that may be in his hands until the further order of this Court.

Given under my hand this the 27th day of August 1901.

A B Munsey Clerk

Form No. 300.

American Association

vs.

SUBPOENA IN CHANCERY.

William Gibson et al

B. A. Sewell p. q.

To 2nd September Rules, 1901. Lee Circuit Court.

Executed on the 29th day of August 1901 by delivering separate attested office copies of the within Subpoena in Chancery in Lee County Virginia, each to William Morison, Thos. S. Gibson, and L. M. Coalson; and W.G. Coalson not being found at his usual place of abode further executed on said date as to said W.G. Coalson by delivering an attested office copy of said Subpoena to L. M. Coalson, wife of the said W.G. Coalson, a member of his family and above the age of sixteen years, and by giving her information of its purport; and further executed on the 30th day of August 1901, in Lee County Virginia, by delivering separate attested office copies of said Subpoena in Chancery each to W. B. Stidham, Vincent Canning, Minnie Richmond, Martin Thompson, George P. Morison, Martha J. Gibson and J. H. S. Morison; and William Gibson, Chadwell Pridemore, and William Cosby not being found at their usual places of abode, further executed in said County on said last date as to said last three parties, by delivering separate attested office copies of said Subpoena in Chancery each to Amanda Gibson wife of the said William Gibson, to Elizabeth Pridemore, wife of the said Chadwell Pridemore and to Mary J. Cosby wife of the said William Cosby, the said wives of the said respective parties being members of the families of said respective parties, and each of said wives being above the age of sixteen years, and by giving to them and each of them information of the purport of said Subpoena in Chancery. This the 16th day of September 1901.

J. K. McDonald D.S.
for T. J. Milliam S.L.C.

To William Gibson, William Cosby, Chadwell Pridemore, Vincent Carminy, W.B.Stidham, Martin Thompson, Martha J.Gibson, William Morison, J.H.S. Morison, George P.Morison, Minnie Richmond, W.G.Colson, C.M.Colson, Thomas S.Gibson and Kate Carminy. :

You are hereby notified that on the 27th day of August, 1903, at the residence of Harrison Crockett in Lee County, Virginia, between the hours of 8 A.M. and 6 P.M., of that day, we shall proceed to take the depositions of Harrison Crockett and others, to be read as evidence in behalf of the plaintiff, in a certain suit in chancery now depending in the Circuit Court of Lee County, Virginia, in which the American Association Incorporated is plaintiff and you are defendants; and if from any cause the taking of said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day, from time to time from place to place, or at the same place, and between the same hours, until the same shall be completed. This the 20th day of August 1902.

Respectfully,

AMERICAN ASSOCIATION INCORPORATED.

By R. J. Irvine & B. H. Sewell, Attorneys.

American Association Incorporated.

vs { Notice to take Depositions

William Gibson et al.

Executed by delivering a true copy of the within notice to W. J. ~~Gillis~~ Colson and C. M. Colson this 23 day of Aug. 1902

W. C. Smith

Deputy for W. J. Mileham

S. S. C.

To William Gibson, William Cosby, Chadwell Pridemore, Vincent Carminy, W.B.Stidham, Martin Thompson, Martha J.Gibson, William Morison, J.H.S. Morison, George P.Morison, Minnie Richmond, W.G.Colson, C.M.Colson, Thomas S.Gibson and Nate Carminy :

You are hereby notified that on the 27th day of August, 1902, at the residence of Harrison Crockett in Lee County, Virginia, between the hours of 8 A.M. and 6 P.M., of that day, we shall proceed to take the depositions of Harrison Crockett and others, to be read as evidence in behalf of the plaintiff, in a certain suit in chancery now depending in the Circuit Court of Lee County, Virginia, in which the American Association Incorporated is plaintiff and you are defendants; and if from any cause the taking of said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day, from time to time from place to place, or at the same place, and between the same hours, until the same shall be completed. This the 20th day of August 1902.

Respectfully,

AMERICAN ASSOCIATION INCORPORATED.

By R.J.Irvine & B.H. Sewell, Attorneys.

American Association Incorporated

vs } Notice to take Depositions

William Gibson et al

Legal Service of the within notice is accepted. This August 20th, 1902.

C. T. Duncan

Atty for all of the defendants in the cause mentioned in the within notice, except W. G. Colson and C. M. Colson.

Stationers and Printers, Richmond, Va. } Form No. 302.

In the Clerk's Office of the Circuit Court of the County of Lee

American Association Incorporated

Plaintiff,

against

William Gibson et als

Defendants.

This day B. H. Sewell personally appeared before me A B Munsey Clerk of the said Court, and being duly sworn, made oath that Williams Morison, J. H. S. Morison George P Morison and Minnie Richmond defendants in the said suit are not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this 27th day of August 1901.

A B Munsey Clerk

Form No. 302.

Incorporated
American Association

vs. { AFFIDAVIT FOR ORDER OF PUBLICATION.

William Gibson et als

B. H. Sewell p. q.

Filed August 27th 1901
A. B. Munsey Clerk

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 204

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON L. M. Carmical

to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the 7th day of March 1901, to testify and the truth to say in behalf of the Plaintiff, in a certain matter of controversy in our said court before the said Judge depending and undetermined between

The American Association Plaintiff, and

W. G. Colson, Defendant. And this he shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house the 20th day of February 1901, and in the 125th year of the Commonwealth.

A. B. Munsey Clerk

FORM No. 204.

American association

vs. { SUBPOENA FOR WITNESS.

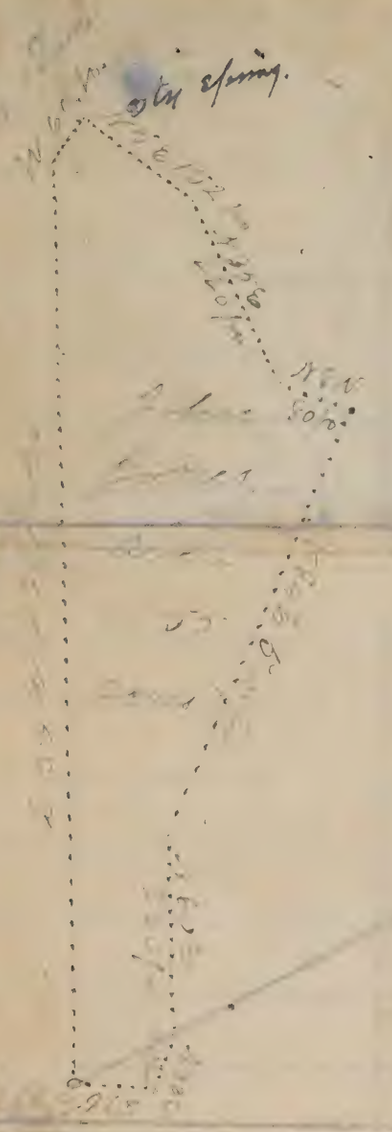
W. G. Colson

Circuit Court,

the 7th day of March

1901

[illegible]
[illegible] by Simmons
[illegible]
W. J. McKeown
S L C



March the 21st 1794

By virtue of a Virginia Land Office Treasury Warrant No 4746 bearing date the 13th day of December 1782 [illegible] for [illegible] of David Walker one thousand one hundred and fifty five acres of land in Lee County in the waters of [illegible] river at and near Cumberland Gap through which the road passes to Kentucky

Beginning on a high [illegible] large white oak corner to George Gibson's land thence [illegible] poles to a large and small [illegible] on the State boundary corner to Arthur Campbell's [illegible] West 60 poles to a white oak above the head of a spring N 8 E 152 poles to a large poplar on the side of the mountain called Cumberland Mountain N 35 E 220 poles to a black oak and poplar and a large rock on the side of said Mountain N 8 W 80 poles to a pine and black oak [illegible] poles to a pine on a spur N 60 E 220 poles to a small Beech and Dogwood N 83 E 60 poles to three small white oaks on Gibson's ridge S 26 E 89 poles to the beginning

William Campbell L.S.
Benj. Sharp S.L.C.

Copy Tests March 16th 1892
L. M. Carmical S.L.C.

Hr Colson

American Association
Lane
vs.
Mrs Gibson et al
Exhibit W.G.C.
"H"
Belle Gordin
N.P.

AMERICAN ASSOCIATION, INCORPORATED,----------Plaintiff

-vs- DEPOSITION

WILLIAM GIBSON ET AL ----------Defendants.

The deposition of W. G. Colson, taken February 15th, 1907, at the law office of W. G. Colson, in the City of Middlesboro, Bell County, Kentucky, pursuant to agreement of parties by their counsel to be read as evidence in behalf of W. G. Colson and C. M. Colson in the Chancery cause now pending in the Circuit Court of Lee County, Virginia, under the style of the American Association, Incorporated, vs. William Gibson et al.

Present: R. T. Irvine, and
B. H. Sewell, Attys. for Am. Asn.
J. C. Noel, Atty. for Martha J.Gibson.
Plaintiffs.

Present: W. G. Colson for himself and
C. M. Colson.
Defendants.

The witness, W. G. COLSON, being duly sworn testifies as follows:

I am of lawful age. I file as a part of my deposition grant from the Commonwealth of Virginia to Robert Beaty, under date of August 6th, 1810, and mark it "W. G. C. Exhibit A".

I also file a certified copy of deed from Robert Beaty to William Woodson, of date September 22nd, 1837, and mark it "W.G.C.Exhibit B".

I also file a certified copy of deed from William Woodson to Elizabeth Young, dated May 30th, 1884, and mark it "W. G. C. Exhibit C".

I also file a copy of Survey of James Swan, dated 25th of September, 1795 for 200000 acres, and mark it "W. G. C. Exhibit D".

I will file a certified copy of deed from D. K. & Elizabeth Young and William Woodson to W. G. Colson, under date of July 1st, 1890, and mark it "WW G. C. Exhibit E".

I will file deed from W. G. Colson to C. M. Colson, and mark it"W. G. C. Exhibit F".

I refer to a tracing on file in this case made by L. M. Carmical, which is filed with his report herein. The point indicated on the tracing of this map as three white oaks, purporting to be the corner of ~~the John Jones 3000 acre survey~~, and the John Jones 1155 acre tract, and Crockett 1000 acre tract, indicat ed on the map by B-2 is still standing. The point indicated on the map as B-3 is not now standing, but from reputation once stood on the South-East bank of Station Creek; The line running from that point -B-3- South 60 West 220 poles is indicated on the map as B-4; the line running from B-4, being at the point where once stood a pine, which was the corner of the John Jones 1155 acre and Crockett 1000 acre tracts and the Robert Beaty tract herein referred to in my deposition -the line running from said point B-4- where the pine once stood South 84 West 222 poles is not shown on the map; the line running from where the said pine once stood is the line common to the John Jones 1155 acre survey and to the Robert Beaty survey ; the same is the line called for in the Robert Beaty grant, running North 84 East 222 poles with the Jones line from a small white oak, black oak and dogwood, and is on the direct

course of the John Jones line, which runs North 84 East 500 poles to the pine. The point indicated on the map as B-4, and as being the place where the pine which was the corner in common to the John Jones 1155 acre tract, Crockett 1000 acre tract and the Robert Beaty tract herein referred to, was shown to me and pointed out as being the true location of said corner by divers persons interested in the John Jones 1155 acre and the Crockett 1000 acre surveys. The true location of said corner was pointed out to me by one R. E. Crockett, who is a son of Robert Crockett, Sr., Patentee of the 1000 acre tract. John Crockett whose deposition has been filed heretofore in this case , also pointed out said place to me as the true location of said corner.

The point indicated on the map as A-3, with two white oaks and a pine, corner of the Field's survey, is not the true location of the two white oaks and the pine called for in the Robert Beaty grant, nor is it the true location of the two white oaks and the pine called for in the Andrew and Robert Crockett 1000 acre survey. Said pine corner herein referred to as being the corner in common to the Jones 1155 acre tract; Crockett 1000 acre tract, and the Robert Beaty tract, once stood a Westwardly course from the place indicated on the map as the George Ball house in the little hollow in the sand field, and very near the fence which is nearly on the line of the northern boundary of the R. E. Crockett land. The place pointed out on the map herein as B-4, where the pine once stood is also a corner of the Elizabeth Evans boundary which was alloted to her out of the RobertCrockett Sr., deceased, lands.

In order to reach the two locations of the two white oaks and the pine corner, common to the Nathan Field's survey, 7080 acres, and also the Robert Beaty tract

herein referred to , you should extend the line from the pine indicated on the map as B-4 on a course North 36 East 482 poles, or approximately that distance -in locating the Robert Beaty & Crockett 1000 acre survey. In order to properly locate the Robert Beaty tract herein referred to, you should start upon the two white oaks and the pine which is North 36 East 482 poles from the point indicated on the map as B-4, and runs South 55 West 580 poles to a black oak and dogwood; thence South 20 West 84 poles to a small white oak, black oak and dog wood; thence with the Jones line North 84 East 222 poles to the pine, corner to said Jones land; thence with the lines thereof North 60 East 350 poles to a stake; North 5 West 218 poles to the beginning.

The point indicated on the map as B-4 is the point where you start in extending the line which runs North 60 East with the Jones land 350 poles to a stake.

The line running on said course from point B-4 is common to the Jones line which runs N 60 East 220 poles to a small beech and dogwood to the extent of the 220 poles.

I was not present when L. M. Carmical extended the lines as indicated on the map filed by him in his report herein.

I have been along the line, which if laid down on the map as running from the point North 36 East 482 poles (reckoned from B-4) as the location of two white oaks and a pine, and which line runs South 55 West from said point, and in retracing the line on said course, which seems to have been marked a long time ago, as indicating the true location of the line of the Field's survey, which is common to the Robert Beaty survey.

I have been at a point which is approximately North 36 East 482 poles -reckoning from B-4) represented to be the corner of the Nathan Fields,7080 acre survey, Crockett 1000 acres and the Robert Beaty tract; at said point there is an oak standing, which is marked, seemingly, as a corner tree, and near said oak evidence of where a pine once stood, also where an oak once stood.

I see indicated on L. M. Carmical's map a place marked as the Langford house, and also a place marked Barnes, also place marked George Ball. There is one house between the Langford house and the Barnes house, not indicated on the map, which was formerly occupied by James Campbell, and which is now occupied by Langford.

The location of each house referred to, namely Langford place, where Campbell formerly lived, and where Barnes now lives, and also where George Ball now lives, they are on the North of the true location of the line of the John Jones 1155 acre tract, and of the Robert Beaty tract which runs North 60 East from the point indicated on the map as B-4.

All these houses named are on the Robert Beaty boundary. The house mentioned as the Langford house has been there to my certain knowledge since 1885 continuously. The house not indicated on the map and which should be located between the Langford house and Barnes house has been there for about 10 years. There was another house which once stood a little South of the James Campbell house and North of the Beaty line, which is not now standing, which house was there, to my knowledge from 1885 up to about the time the Campbell house was built. The Barnes house has been standing about nine years. The George Ball house, which was built near the place where another house formerly stood has been standing about nine years.

On the North of these houses there is an enclosure which was made by me about the year 1896. This enclosure covers several acres -the exact number I do not know, which are on the Robert Beaty tract. This fence has been continuously kept up.

I moved on to the tract of land known as the William Woodson tract in 1886, and since that time I have either lived on that tract of land or had tenants in actual occupancy of said tract continuously.

The place ~~xxxxxxxx~~ indicated on the map as the Langford house has been continuously occupied by tenants under me, or those under whom I claim, or those claiming under me since 1886.

The place not laid down on the map, same being the place where James Campbell once lived, was occupied by tenants under me from the year 1886 up to the year 1898, at which time a new house, where Square Langford now lives, was built. This house has been continuously occupied since that time by tenants under me up to the present time; Also has the place where Bony Barnes now lives, and also the house where George Ball now lives each continuously occupied by tenants under me.

During all the time since 1885 I have cut, removed and used timber from the boundary indicated on the map as being North of the John Jones 1155 acre survey, and on the Robert Beaty tract, when properly located on the map with relation to the other adjoining tracts, to-wit: Jones 1155 acr es and Crockett 1000 acres.

I have also cut, removed and used timber from land which is immediately North of the John Jones 1155 acre tract, as laid down on the map in part, during all of said periods from 1885 up to the present time, claiming either for the benefit of myself or those claiming under me,

up to the Nathan Field's survey 7080 acres.

During all of said time I have so cut, removed and used timber and rented to divers persons for occupancy at the places indicated on the map as the Langford house, and the place not shown on the map, known as the Campbell house; also the place indicated on the map as Barnes house; also the place indicated on the map as the George Ball house, without any disturbance, except during the year ---------when suit was filed against me and others by the American Association, Incorporated, on account of the fact that I had cut some timber on the North of the line of the John Jones 1155 acre survey, as indicated on the map, B-2-B-3 and B-4.

I refer to said suit and make it a part of my deposition, together with all judgments, orders &c. in connection with same, as same appears of record in the office of the Clerk of the Circuit Court in Lee County, Virginia.

During all of the time since 1885, and since my connection with the William Woodson, Senior, home place, either I or those under whom I claim, or those claiming under me have been in the actual, continuous, peaceable, open, notorious possession of the land on the North of the John Jones land, 1155 acre survey, as embraced by the Robert Beaty tract, claiming the same to the extent of said boundary as against the whole world, except as stated by me in my previous statement referring to the suit which was filed against me by the American Association, Incorporated, and which said American Association, Incorporated is also plaintiff herein.

The place indicated on the map as being the T. S. Gibson boundary is the same tract of land which was purchased by me for C. M. Colson some several years ago,

and I have known said tract of land since 1885, and during all of that time there has been part of same in actual occupancy by tenants under T. S. Gibson, or those under whom he claimed, or those claiming under him.

The further taking of these depositions by agreement was adjourned until February 16th, 1907, at 8:00 o'clock A. M. at the same place.

Belle Goodin, Notary Public.

----------oOo----------

Met pursuant to adjournment at the office of W. G. Colson and adjourned to the office of the Mingo Coal & Coke Co Feb. 17th, 1907, and continued the deposition of W. G. Colson.

I now file tracing, showing the true location of the John Jones 1155 acre survey, Robert Beaty tract and the line of the Field's survey, which is marked "W. G. C. Exhibit G".

I also file copy of survey 1155 acre Jones tract, and mark it "W. G. C. Exhibit H".

I also file copy of the Nathan Field's survey or grant marking it "W G. C. Exhibit I".

The place indicated on the map as the Sallie Barnes house is approximately correctly located on the map. There was a house which stood on this line occupied under me, and those claiming under me for quite a number of years. This house was standing to my certain knowledge from '85 to about '96.

From 1885 to the time of the institution of this suit by the American Association, Incorporated, neither the American Association, Incorporated, nor any one claiming under them ever used any timber or exercised any acts of ownership on any part of the Beaty tract known as the Robert Beaty tract, nor ~~xxxxxxx~~ on any part of the land indicated on the map of L. M. Carmical as the Martin Beaty land. Neither did they ever exercise any acts of ownership on nn any part of the John Jones tract. Neither have they had any tenants on any part of said land during all of said time. From 1885 up to the present time each respective tract, indicated on the map of L. M. Carmical as subdivisions of the Martin Beaty land, has been held by actual occupancy, either by the owner named respectively on the map, or by tenants continuously up to now, and each respective tract was occupied at the time of the purchase of the ~~xx~~ iron ore by the American Association, Limited, and by the American Association, Incorporated herein.

Objections to the foregoing deposition by plaintiff's counsel. Plaintiffs by counsel object to the whole of the foregoing deposition and to each and every part thereof as being irrelevant and immaterial, and they especially object to Exhibit C, D, E, and F, not for form but they are immaterial, and also to the plat filed by the withness as a part of his deposition. Witness should have had the running done and platting made under the order of the Court in this cause and by official surveyor. They further accept particular to all the evidence given by the witness as to occupancy and possession by the various tenants setforth in his deposition as being immaterial to this controversy. And the same objection is made to all evidence relative to timber cutting and to the suit at law between the plaintiff and the witness regarding certain timber cutting which was heretofore had in the Circuit Court of Lee County, as shown by reference made in the deposition.

CROSS-EXAMINATION BY R. T. IRVINE.

The plaintiff not waiving the foregoing objections but insisting thereon neverthe less proceeds to cross-examine the witness as follows:

Q.1- You have filed with your deposition a certified copy of the deed from Robert Beaty and William Woodson. Have you the original of that deed and will you file same with your deposition?

A. I think maybe I have. I will make search for same

and file at the hearing of this cause.

Q.2- Where did you get the original of that deed?

A. From the papers of William Woodson, Senior, deceased.

Q.3- When did you get it?

A. I don't know exactly how long ago.

Q.4- Who had charge of the papers of William Woodson, deceased, at that time?

A. Jerome Woodson had a great batch of papers and I got it from him.

Q.5- What relation was Jerome Woodson, Sr. to William Woodson, Senior?

A. He was a nephew of William Woodson, Sr. deceased.

Q.6- Where was Jerome Woodson living at that time?

A. He lived at a little house on the East side of the Virginia road, about a quarter of a mile East of the old William Woodson, Sr. home place.

Q.7- What land was he living on?

A. On what I call part of the old William Woodson, Senior, land.

Q.8- Did he own the land on which he was living?

A. No Sir.

Q.9- Who owned it?

A. It was the old William Woodson tract which I bought.

Q.10- He was not then claiming title to any of the William Woodson land himself?

A. No Sir.

Q.11- Was he administrator of Executor of William Woodson, deceased?

A. No Sir.

Q.12- Jerome Woodson never did own any of the William Woodson land, did he?

A. Not that I know of.

Q.13- You had the deed put to record?

A. Yes, I think I did.

Q.14- You have stated that you had been to the point approximately North 36 East 482 poles from the point marked B-4 on Mr. Carmical's plat, which point you claim as the location of the two white oaks and the pine referred to in these proceedings. Please state how you found this point, whether you did so by surveying, and if not, in what manner did you locate it?

A. I found this point by having a surveyor extend the line from the point B-4 North 60 East 350 poles; thence North 5 West 218 poles.

Q.15- What surveyor?

A. Richard Risner.

Q.16- When was this done?

A. It was done about six month ago, I think- I don't know exactly when - about six month ago.

Q.17- The plaintiff had no notice of such surveying?

A. No Sir.

Q.18- You did not appear when Carmical was doing the official surveying in this case and ask for such work to be done, did you?

A. No Sir, I did not.

Q.19- You had never found this corner before this time, is that correct?

A. Yes, that is correct; I had never found it before, that is, it has been repeatedly stated to me about where it was by men who professed to know.

Q.20- Is Richard Risner a Lee County Surveyor?

A. No Sir, he is the surveyor of Bell County now - County Surveyor.

Q.21- How did Mr. Risner do his work -Did he have a regular surveying corps?

A Yes, he was compassman, and he had a chainman and flagman.

Q.22- Did he do any other running in this connection except that?

A. Well, when we got to the ~~xxixxx~~ point where the two white oaks and pine were he set the compass on the reverse line of the Field's survey.

Q.23- But did not run it?

A. Just set it on the course , did not chain it, and in retracing that line we found some timber that had been marked a long time ago -side lines.

Q.24- You did not do any running - You did not have him run any of the Field's line either on the reverse S 55 W 580 poles to a stake, oak and dogwood in the broken valley; nor forward N 69 E 386 poles to poplar in edge of valley, did you?

A. No , we did not run that line.

Q.25- Did you have him run from this point on the reverse of the line N 36 E 482 poles, called for in the Crockett 1000 acre survey?

A. No, we did not run that line.

Q.26- The only running you did then, as I understand you, you began at the former location of the pine at Carmical's point B-4; thence N 60 E 350 poles to a stake; thence N 5 W 218 poles. Is that correct?

A. No, we ran a line from the point indicated on the Carmical map as B-4 S 84 W 222 poles to a small white oak, black oak and dogwood (called for in the Beaty patent) once stood----

Q.27- Any other running?

A. And from that point we ran the reverse call of the Beaty tract N 20 E 84 poles to a black oak and dogwood. That is all the running we did.

Q.28- Did you find the small white oak, black oak and dogwood or any of them at that point indicated where they should be?

A. My recollection is we found the black oak.

Q.29- How was it marked?

A. I think it was marked as a corner tree is usually marked -three hacks on one side and three on the other.

Q.30- You did not find the white oak and dogwood?

A No Sir.

Q.31- Where was this black oak - I mean where was it located with reference to the ~~xxxxxxxxx~~ topography of the country, how high up on the mountain, with reference to the Cumberland Gap road?

A. Well, it is in the Poor Valley ridge; I don't know how far it would be from the Cumberland Gap road -quite a little distance though from that road, but I don't know how far it would be, but nearly on the course indicated on the map filed by me this morning as being S 84 E 222 poles. I could not say how far it would be; quarter of a mile may be air line.

Q.32- Did you find the black oak and dogwood at the end of the second line named by you, to-wit, the line called for in the Beaty patent S 20 W 84 poles on the reverse?

A. No, it seems to me we found a dogwood and black oak fallen.

Q.33- Any marks?

A. I don't know - I don't remember whether there were any marks on the dogwood or not, can't say.

Q.34- Where did the end of the line that you ran from B-4 N 60 E 350 poles take you -In whose land now?

A. Well, it is on the Eastern boundary of the William Woodson Sr. home place.

Q.35- Was it in cleared land, or what sort of land?

A. It is a little bit east of the cleared land.

Q.36- You extended this line then 130 poles beyond the point B-3 as shown on Carmical's map?

A. Yes, that is correct.

Q.37- What sort of land did it run through from B-3 to the point where you stopped ?

A. Nearly all timbered land.

Q.38- Some of it cleared?

A. A little bit.

Q.39- Who occupies that clearing?

A. My tenant.

Q.40- Which one?

A. Ely now - it is at the old Langford place, you know.

Q.41- When you turned from that point N 5 W on the 218 pole run what did you pass through, any cleared land?

A. Just a little bit East of the cleared land where once stood the house occupied by Sallie Barnes.

Q.42- From there on up the Mountain it was timbered land?

A. Yes, some timbered land.

Q.43- How far up the mountain side did that carry you?

A. You mean the end of the 218 poles? I don't remember- up next to the cliff of the mountain - I don't know exactly how far. I did have those points noted.

Q.44- You are the same W. G. Colson who was defendant in a suit in the Lee Circuit Court some years ago brought by Elizabeth J. Evans, are you ?

A. Yes, I am the same man.

Q.45- The land involved in that suit is the land noted by Mr. Carmical on his map as W. G. Colson from Mrs. Evans, is it not?

A. I don't think it is correctly located on Carmical's map.

Q.46- What is the trouble with it?

A. I think it is a square. I don't think this line here running ------- I think the degree from the beech to the back side of the Jones survey and the line running from the point where they indicated at B-4 is parallel thereto -should be parallel.

Q.47- You have never claimed any of the land West of this Evans tract laid down by Carmical as the shares of R. E. Crockett and other shares West of that, have you?

A. No, I was connected with the purchase of the Gibson

tract just West of the R. E. Crockett share.

Q.48- Your connection there was as agent for your wife in purchasing from Rx T. S. Gibson, was it not?

A. Yes Sir.

Q.49- And she claimed it under him?

A. Yes Sir.

Q.50- Who are the assistant that helped Mr. Risner do the running that you have referred to?

A. Geo. Ball and I believe Bony Barnes was chainmen, and a man by the name of Robins -Geo. Robins.

Q.51- Have you a report made by Mr. Risner?

A. No, not here. I aimed to have him here, but he is not here.

Q.52- What is Mr. Risner's regular occupation? Is it not farming instead of surveying?

A. No, he is a regular surveyor; he is County surveyor now for Bell County; he farms some, but he is a surveyor.

RE)DIRECT EXAMINATION.

At the death of William Woodson, Senior, Jerome Woodson lived with him and remained at said place for quite awhile after his death, and said Jerome Woodson retained quite a lot of papers belonging to William Woodson,Senior, deceased, and a long time after the purchase of the William Woodson home place by me I looked through said papers after talking with Andrew Woodson, Administrator, and obtained all the papers pertaining to the tract of land known as the William Woodson place, and is all the land which they owned in Lee County, Virginia. Andrew Woodson, the administrator of William Woodson, deceased, lived in Tennessee, and about 30 miles from the William Woodson, Sr. home place. J. H. Woodson (Jerome) during his lifetime and prior to the death of William Woodson, deceased, acted as agent in the transaction of

William Woodson, Senior, deceased. The point where T. F. Sutton mined ore, and part of which is the subject of controversy herein, and others, are on the Beaty tract claimed by me and my co-defendant, C. M. Colson.

RE-CROSS EXAMINATION.

Q.1- At the time of William Woodson's death was Jerome Woodson living in the house with him, or on his place?

A. I think he was living in the house with him, taking care of him. Hexxxx

STATE OF KENTUCKY)
: SCT.
COUNTY OF BELL)

I, Belle Goodin, Notary Public in and for the County and State aforesaid, certify that the foregoing deposition of W. G. Colson was taken before me at his office on the 15th day of February, 1907, pursuant to agreement hereinbefore set out; there was present R. T. Irvine and B. H. Sewell, attorneys for American Association, Incorporated, and J. C. Noel, Attorney for Martha J. Gibson, and W. G. Colson, attorney for himself and C. M. Colson; that by agreement of counsel witness' signature to same was waived.

Given under my hand and seal this the 20th day of February 1907.

My Commission expires March 10, 1910.

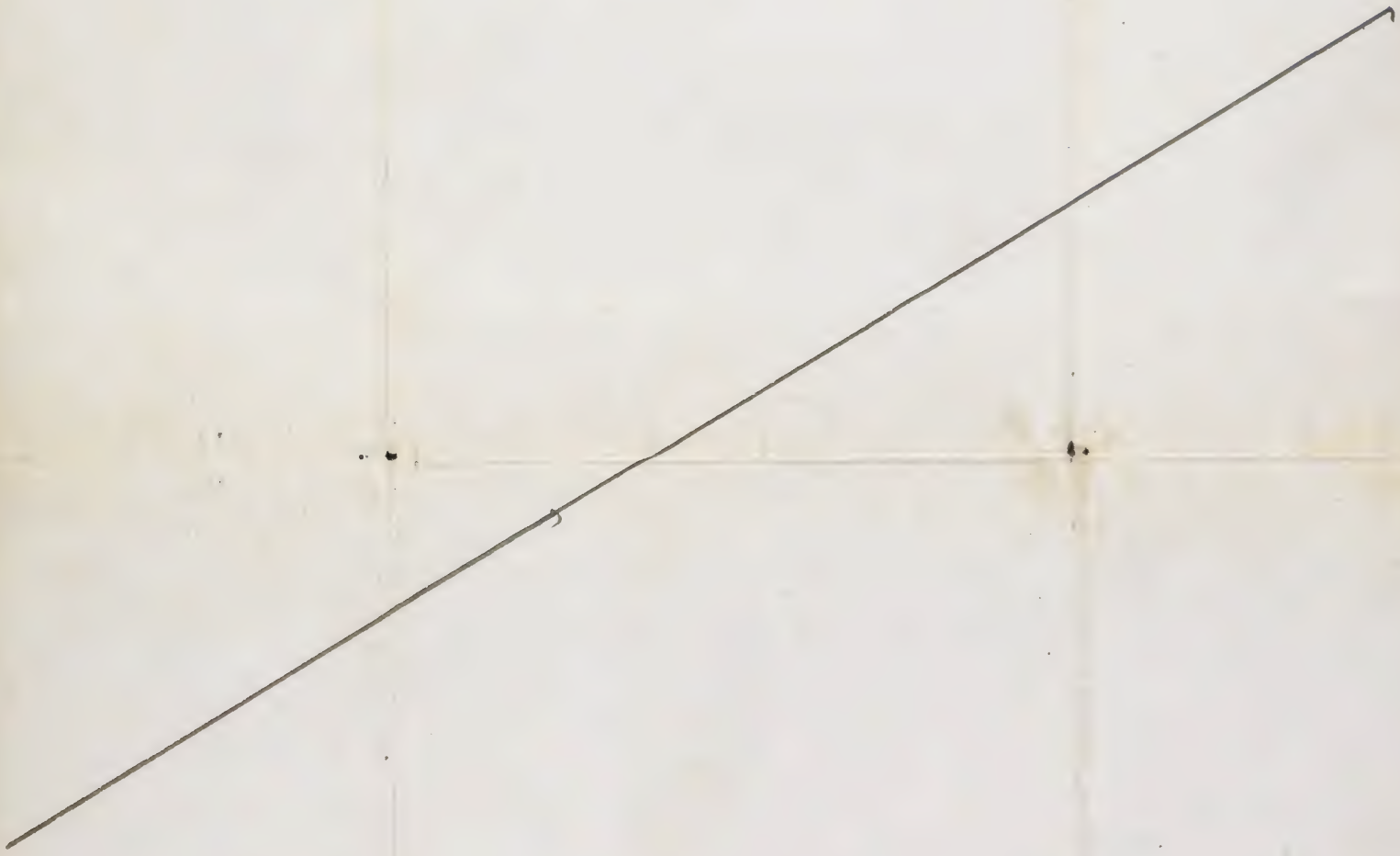
Belle Goodin

John Tyler ----------, *Esquire, Governor of the Commonwealth of Virginia*

To All to Whom These Presents Shall Come, Greeting:

Know Ye, *That* by virtue of a Land Office Treasury Warrant Number 15045, issued the 24th of December 1782, there is granted by the said Commonwealth unto Robert Beaty, a certain tract or parcel of land containing 500 acres of land, by survey bearing date the 28th of September 1809, lying in the County of Lee and bounded as followeth, to wit:-

Beginning at two white oaks and a pine on the side of Cumberland mountain, corner to Nathan Fields survey of 7080, thence with a line thereof S.55° W. 580 poles to a black oak and dogwood, S. 20° W. 84 poles to a small white oak, black oak and dogwood, where John Jones's line of 500 poles crosses Fields's line from Cumberland gap, ..., thence with Jones's line N.84° E. 222 poles to a pine corner to said Jones's land and with a line thereof N. 60° E. 350 poles to a stake, and thence N. 5° W. 218 poles to the beginning with its appurtenances.



To Have and to Hold *the said Tract or Parcel of Land, with its appurtenances, to the said* Robert Beaty ---------- *and* his *heirs forever.*

In Witness Whereof, *The said* John Tyler ----------, *Esquire, Governor of the Commonwealth of Virginia, hath hereunto set his hand and caused the Lesser Seal of the said Commonwealth to be affixed at Richmond on the* -- 6th -- *day of* -------- August ----------, *in the year of our Lord one thousand* eight hundred and ten, --------, *and of the Commonwealth the* 35th,

John Tyler.

LAND OFFICE, RICHMOND, VA.

I hereby certify that the foregoing is a true copy from the records of this office. Witness my hand and seal of office, this ------ 4th ------- *day of* ------- April ---------- , *19* 01.

Register of the Land Office.

Exhibit B-8

American Association Inc
vs.
Wm Gibson - et al -
Exhibit W G C
"A" -
Bill Goodin
Notary Public -
2/25/07

This Indenture made the 22nd day of September in the year of our Lord one thousand eight hundred and thirty seven between Robert Beaty of the County of Lee and state of Virginia of the one part and William Woodson of County of Lee and State of Virginia of the other part;

Witnesseth that the said Robert Beaty for and in consideration of the sum of six hundred dollars lawful money of the United States to him in hand paid the receipt whereof is hereby acknowledged doth bargain sell and convey unto the said Woodson all that tract or parcel of land lying, being, situate in the county aforesaid and bounded as follows (Viz) begining at two white oaks & a pine on the side of Cumberland Mountain a corner to Nathan Fields survey of 7080 acres, thence South 55 W with said line 580 poles to a black oak & dogwood, thence S. 30 W 84 poles to a small white oak, black oak & dogwood, thence with Jones line N. 84, E 332 poles to a pine a corner to said Jones land, thence with a line thereof N 60, E. 350 poles to a stake, thence N. 5 W 218 poles to the beginning.

To have and to hold all the aforesaid land with all its appurtenances unto the said Woodson & his heirs to the sole use and benefit of the said Woodson & his heirs forever and the said Robert Beaty for himself and his heirs doth covenant with the said Woodson and his heirs that he the said Beaty and his heirs will warrant and forever defend the title to said land with all its appurtenances unto the said Woodson & his heirs against the claims of all persons. In witness whereof the said Beaty hath hereunto set his hand and affixed his seal this the day and date first above written.

Robert Beaty (Seal)

Lee County,

We Zachariah S. Gibson and Samuel Ewing justice of the peace in the County aforesaid in the state of Virginia do hereby certify that Robert Beaty a party of a certain deed bearing date on the 22nd day of September 1837 and hereunto annexed, personally appeared before us in our County aforesaid and acknowledged the same to be

his act and deed and desired us to certify the said acknowledgment to the Clerk of County court of Lee in order that the said deed may be recorded. Given under our hands and seals this the 22nd day of September 1837

Z. S. Gibson (seal) J. P.

Sam'l Ewing (seal) J. P.

Virginia, Lee County to-wit:

In the office of the clerk of the county court for said county, the 12th day of January 1901, this deed was presented and together with the certificate thereto annexed, admitted to record.

Teste: B. M. Morgan Clerk.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, County Clerk for the County of Lee, in the State of Virginia, do hereby certify that the foregoing is a true and perfect copy of the deed from Robert Beaty to William Woodson as the same appears of record in my office in Deed Book No. 37, page 97 &c.

Given under my hand, this the 14th day of February, 1907.

H. C. T. Ewing, Clerk.

American Associate
Inc
vs
Wm Gibson et al
Exhibit W Inc
"B"

Polson
Exhibit "B"

American Act Inc
vs
Wm Gibson et al

This Indenture made and entered into this May 30th 1884, by & between William Woodson of the County of Lee & State of Virginia of the first part & Elizabeth Young wife of D. K. Young of the County of Anderson & State of Tennessee of the second part, Witnesseth that for the natural love and affection that the party of the first part has for his daughter the party of the second part, hath and by these presents doth grant, bargain, sell, convey & confirm unto the party of the second part & her heirs and assigns forever, The following described tract of land lying in the county of Lee and state of Virginia & bounded as follows Beginning at a white oak known as the Ball Hill corner & running North 212 poles to the big white oak Gibsons corner, Thence a North west course with a marked line crossing Poor Valley ridge & crossing Station creek at the foot of the Mountain to Rose's line to Crockett's line thence with Crockett's line a West course to the lane running South from Crockett's line to the Virginia road, then along said lane a South course to the Virginia Road thence Eastwardly with said road to a marked white oak near the road East of where Jerome Woodson now lives, thence a direct line to the Beginning containing four hundred eighty acres more or less and the party of the first part, covenants to & with the party of the second part that he is lawfully seized of said land and has a good right to convey the same & that the same is unencumbered, and said party of the first part also covenants & binds himself to warrant and forever defend the title to the land aforesaid to the party of the second part, indefeasable inheritance in fee simple, the party of the first part hereby reserves for himself a lifetime estate in the land aforesaid, and a life estate for his wife Annie Woodson I witness whereof the party of the first part has hereunto signed his name & affixed his seal the day and year aforesaid

Signed in the presence of Wm. Woodson (Seal)

A. D. Woodson

S. C. Kincaid

Virginia, Lee County to-wit:

I, John R. Gibson clerk of Lee County court in the state afore-said do certify that A. D. Woodson and S. C. Kincaid whose names are signed as witnesses to the foregoing deed bearing date the 30th day of May 1884 this day personally appeared before me in my county aforesaid and made oath in due form that Wm Woodson whose name is signed thereto , signed and acknowledged said deed in their presence, said deed is therefore admitted to record. Given under my hand this the 6th day of June 1885.

John R. Gibson Clerk of
Lee County Court.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, County Clerk for the County of Lee, in the State of Virginia, do hereby certify that the foregoing is a true and perfect copy of the deed from William Woodson to Elizabeth Young, as the same appears of record in my office in deed Book No. 21 page, 152 etc.

Given under my hand, this the 14th day of February, 1907.

H. C. T. Ewing, Clerk.

D. B. 21, Page 152 etc.

Exhibit
"E"

American Assoc
Inc.

-vs-

Wm Gibson et al

Exhibit W.G.E.
"G"

Bill Gordin
N.P.

COMMONWEALTH
OF
VIRGINIA
LAND OFFICE
RICHMOND

By virtue of two Virginia Land Office Treasury Warrants, Viz: 1606 & No 1607 bearing date the 25th day of September 1795 for 100,000 acres each, I have surveyed for James Swan, Transferree of Alexander Walcott, 200000 acres of land in Lee County and bounded as followeth,-

Beginning at a beech tree marked A, Smyth and A. W., a buckeye, a red oak, a gum, a black oak and five beeches near the base of Cumberland Mountain, thence N 87° E 13,100 poles crossing Gap Creek, Indian Creek, Powell's River, Black water Creek and Clinch River to four sugar trees, a double lynn and ash on the South bank of said River, thence up the meanders of the same 3,960 poles to three ash trees, four sugar trees and a large grape vine at the mouth of Big Stock Creek and up the several courses of the same 2282 poles to a gum tree, marked A. W., four black oaks and a maple, N 2460 poles crossing two branches of Clinch River and five branches of Powell's River to a white oak marked A. S., three white oaks and a sourwood on a flat, N 70° W 102 poles to three white oaks, a dogwood and ash in a hollow, S 70° W 600 poles crossing two branches to four maples, a white oak and black oak on a rise, S 50° W 1038 poles crossing two branches & Powell's River to a dogwood and two poplars on a ridge, S 19° W 80 poles crossing a small branch to a hickory, a maple, a beahc and a black oak on a flat, S 40 W 112 poles to two poplars and a white oak near a path, S 61 W 420 poles crossing a branch to a poplar, two white oaks and a spanish oak on a rise, S 46° W 464 poles to two beeches on a flatt, S 32° W 80 poles to two hiccories and a black oak on the bank of Powell's River, S 45° W 56 poles to 6 dogwoods on a flat, S 77° W 108 poles to seven dogwoods near the foot of a ridge, S 60° W 94 poles to a white oak, poplar, two beeches and a hornbeam, S 75° W 28 poles to three white oaks, two dogwoods and a sourwood on the side of a ridge, S 55° W 460 poles to two sourwoods, a white oak, three beeches & a hornbeam on a flat, S 80 W 320 poles crossing three branches to a pine, two white oaks and a spanish oak on a ridge, S 75° W 280 poles to two black oaks, two poplars, two beeches, a sourwood and dogwood by a path, S 62° W 558 poles crossing two branches to three dogwoods, a maple, a poplar and white oak near a small branch, S 72° W 648 poles crossing two branches to a black oak, a dogwood and two gum trees on a ridge, S 65° W 476 poles to a white oak, dogwood and hickory on the South side of a ridge, S 53° W 100 poles crossing the North fork of Powell's River to three white oaks, two dogwoods and a beech near the foot of a ridge, S 16° W 274 poles to a large white oak, a sugar tree, two buckeyes and a mulberry on a rise, S 65° W 1118 poles to a white oak, a walnut, and poplar at the foot of a ridge, S 80° W 1536 poles to two black oaks, a white oak and a lynn on a ridge, S 81° W 348 poles to two black oaks, two white oaks and a dogwood in a hollow, S 30° W 100 poles to two white oaks, a hickory and gum on a rise, S 80° W 400 poles crossing a branch to a poplar and double chestnut, S 70 W 378 poles crossing two branches, to a black oak, S 55 W 230 poles crossing a branch to two dogwoods and a gum on a flat, S 65° W 266 poles crossing three branches to a poplar and beech on a flat, S 85° W 154 poles to three poplars in a valley, S 75° W 290 poles crossing a branch to a poplar, a dogwood and gum, S 67° W 800 poles crossing a branch to a double chestnut oak, S 56° W 278 poles crossing a branch to a double poplar, S 50° W 220 poles crossing a branch to a dogwood, white oak and holly in a valley, S 65° W 180 poles to a white walnut and buckeye and hickory, S 56° W 88 poles to a poplar, a black oak and chestnut in a valley,

COMMONWEALTH
OF
VIRGINIA
LAND OFFICE
RICHMOND

S 60° W 680 poles crossing three branches to two chestnuts by a rock, S 55° W 400 poles crossing three branches to three chestnuts and a chestnut oak on a spur, West 1214 poles crossing four creeks & five branches to two black oaks, two white oaks and a small dogwood, S 70° W 656 poles crossing five branches to a red oak and two chestnut oaks on a spur, S 50° W 316 poles crossing a creek to a chestnut and poplar near a creek, S 65° W 560 poles crossing three branches to a chestnut, a red oak and a black on a spur, S 50° W 372 poles crossing three branches to a poplar in a valley, S 69° W 386 poles crossing three branches to two white oaks & a pine, S 55° W 580 poles crossing two branches to a black oak and dogwood in a valley, S 20° W 124 poles to a large poplar and black oak by a small branch, S 39° W 524 poles crossing two branches & Gap Creek to the beginning. provided, nevertheless it is to be understood that this plat contains 136,000 acres of prior legal claims belonging to William Ewing, Benjamin Sharp, William Neil, Arthur Campbell, Peter Fulkerson, Walter Preston, Robert Preston, John Preston & others that have been excluded in calculating the content of this plat according to the entry(which is to be certified when the grant issues) over and above the said 200,000 acres.

Wm. C. Campbell, Asst.
Benj. Sharp, S. L. C.

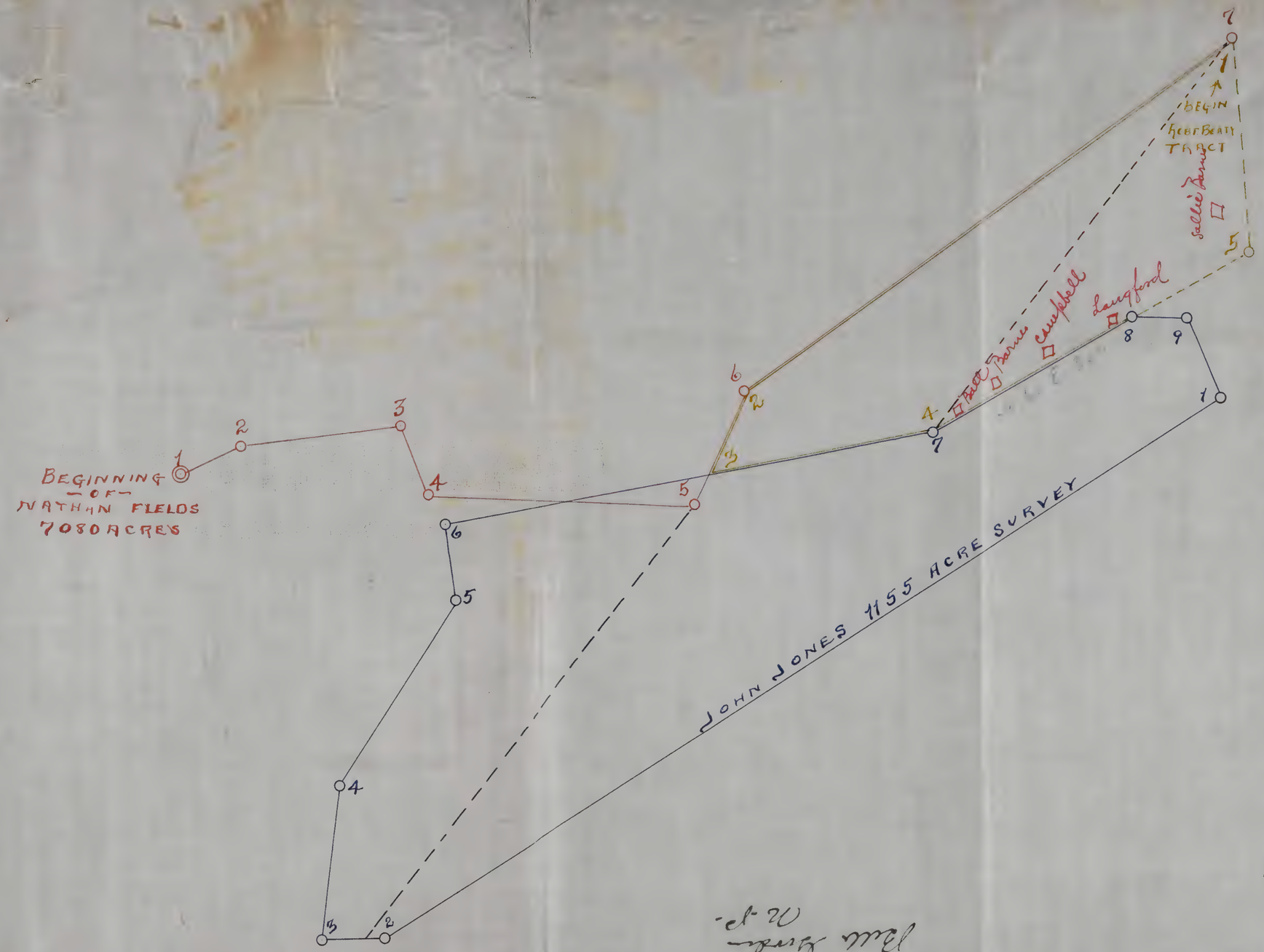
December 10th 1795. Scale 400 poles per inch. Archd. Standifer & William Blakemore, Chainmen.

Francis Hamlin, marker.

Variation 3° East of North.

Surran -

American Associated Inc
-20-
Wm Gibson et al
Exhibit W-9-E-"G"
Bulls Gordie
N.J.



Robert Brooke, *Esquire, Governor of the Commonwealth of Virginia:*

To all to whom these Presents shall come, Greeting:

Know Ye, *That ~~in conformity with a survey made on the ____ day of ____, one thousand eight hundred and ____~~, by virtue of a Land Office Treasury Warrant No.* 1129 *issued the* 13th *day of* January 1795 *there is granted by the said Commonwealth unto* Nathan Fields *a certain Tract or Parcel of Land, containing* 7080 acres *by survey bearing date the* 23d *day of* March 1795 *lying and being in the County of* Lee *and is bounded as followeth, to wit: Beginning at* a poplar and black Oak near the Kentucky Road opposite Richard Davis's on Yallo's Creek and running thence North 67° E 82 poles Crossing said Road to a Birch, Chesnut Oak and Dogwood by a small branch, thence N. 85° E. 160 poles Crossing a branch at 100 poles to two black Oaks and a hickory in a gap, S. 22° E. 74 poles to two white Oaks, Hickory Sapling on a line of Arthur Campbell's S. 85° E. 266 poles Crossing a large Spring branch at 108 poles and a branch at 200 poles to a large poplar and black Oak by a small branch, N. 20° E. 124 poles to a black Oak and Dogwood in a broken Valley N. 55° E. 580 poles Crossing a branch at 94 poles and a branch at 400 poles to two white Oaks and a pine N 69° E. 386 poles, a branch at 152 poles and a large branch at 192 poles and a branch at 288 poles to a poplar in the edge of a Valley N. 50° E. 372 poles Crossing a branch at 98 poles and a branch at 240 poles and a branch at 292 poles to a Chesnut, Red Oak and Black Oak on a Spur N 65° E. 560 poles Crossing a branch at 294 poles and a branch at 400 poles and a branch at 494 poles, passing a bank of Iron Ore at 5[illegible] poles to a Chesnut and poplar [illegible] a Creek N. 55° E. 346 poles Crossing a Creek at 70 poles to a red Oak and two Chesnut Oaks on a Spur N 70° E. [illegible] poles Crossing a branch at 234 poles and a branch at 280 poles and a branch at 360 poles and a branch at 420 poles and a branch at 570 poles to two black Oaks, two white Oaks and a small Dogwood, N. 25° W. 528 poles Crossing Martins Creek at 340 poles to three Chesnuts, thence S. 55½° W. 3432 to the beginning with its appurtenances.

Exhibit
2
Calvert

Americus Dawkins
to
Wm Allen et al
"Ex. Rec. P.E.P."
Blue Ink.
M.E.P.
8/15-07

TO HAVE AND TO HOLD *the said Tract or Parcel of Land, with its appurtenances, to the said*

Nathan Fields _____ _____ _____ *and his heirs forever.*

IN WITNESS WHEREOF, *The said* Robert Brooke, *Esquire, Governor of the Commonwealth of Virginia, hath hereunto set his hand and caused the Lesser Seal of the said Commonwealth to be affixed at Richmond, on the* 27th *day of* January *in the year of our Lord one thousand* seven hundred and ninety six *and of the Commonwealth the* 21st

Robert Brooke

LAND OFFICE, RICHMOND, VA.

I hereby certify that the foregoing is a true copy from the records of this office. Witness my hand and seal of office, this 15th *day of* May *, 1896.*

Sydney P. Epes *Register of the Land Office.*

American Association - Inc

- Vs -

Wm Gibson et al

Deposition of

W[illegible] Colson -

Feb - 16 - 1907 -

Filed Feb. 23, 1907.

H. C. T. Ewing,

Clerk.

1 Robt Beaty Grant 500 A
2 Robt Beaty to Wm Woodson Deed
3 Wm Woodson to Young Deed
4 James Swain 200,000 A Grant
5 John Jones Survey 1153 A
6 Nathan Fields [illegible] A Grant